

ORDINANCE NUMBER 2018-1514

SUMMARY

An ordinance amending Douglas County Code (DCC), Title 20, Chapter 50, updating sections 20.50.010 through 20.50.200, as well as adding sections 20.50.210 through 20.50.250.

TITLE

Ordinance Number 2018-1514, a Zoning Text Amendment to Douglas County Code (DCC), Title 20, updating Chapter 20.50-Floodplain Management and Title 20 Appendix A definitions.

The Board of County Commissioners of the County of Douglas of the State of Nevada, do ordain:

SECTION 1: Douglas County Code (DCC), Chapter 20.50, is amended with the language being deleted shown as strikethrough and the new language shown in *italics and underlined*, as set forth below:

20.50 Floodplain Management

20.50.010 Statutory authority

20.50.020 *Purpose* ~~Definitions~~

20.50.030 Statement of Fact

20.50.040 *Intent* ~~Purpose~~

20.50.050 *Applicability* ~~Intent~~

20.50.060 *Warning and Disclaimer of Liability* ~~Applicability~~

20.50.070 *Definitions* ~~Warning and disclaimer of liability~~

20.50.080 *Adverse Impact Definition* ~~Designation of county floodplain administrator~~

20.50.090 *No Rise Certification Definition* ~~Duties and responsibilities of county floodplain administrator~~

20.50.100 *Substantial Improvement and Substantial Damage Definition* ~~Floodplain development permits~~

20.50.110 *Hydrology and Hydraulic Study Requirements* ~~Special requirements for land division in special flood hazard areas~~

20.50.120 *CLOMR and LOMR Requirements* ~~Standards for construction~~

20.50.130 *Conditional Letter of Map Revision and Letter of Map Revisions Based on Fill Procedure* ~~CLOMRs and LOMRs~~

20.50.140 Letter of map amendment (LOMA) *Procedure*

20.50.150 *Designation of County Floodplain Administrator* ~~Hydrology and hydraulic studies~~

20.50.160 *Duties and Responsibilities of County Floodplain Administrator* ~~Adverse impact~~

20.50.170 *Special Requirements for Land Division in Special Flood Hazard Areas* ~~Non-rise certification~~

20.50.180 *Floodplain Development Review/Permit Applications* ~~Substantial improvement~~

20.50.190 *Development in Special Flood Hazard Areas* ~~Variancees~~

20.50.200 *Development in and around Watercourses* ~~Violations and penalties~~

20.50.210 Development in Floodways

20.50.220 Development in Alluvial Fan Areas

20.50.230 Standards for Construction

20.50.240 Variances

20.50.250 Violations and Penalties

20.50.010 Statutory authority

Pursuant to Nevada Revised Statutes Chapters NRS 278.020, 244A.057, and 543, including Sections 278.020, 244A.057, and 543.020 the county adopts the following floodplain management regulations. (Ord. 763, 1996)

20.50.020 Definitions

Definitions of many of the words used in this chapter are contained in Appendix A to Title 20. Unless specifically defined in Appendix A to Title 20 or in this ordinance, the words and phrases used in this ordinance should be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application. (Ord. 1251, 2008)

20.50.020 Purpose

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flooding in specific areas through the implementation of provisions designed to

A. Protect human life and health, protect the floodplain, and minimize adverse impact;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding, which are usually at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in special flood hazard areas;

F. Help maintain a stable tax base by providing for the sound use and development of special flood hazard areas and X-shaded flood zones to minimize property devaluation resulting from flood damage and events;

G. Ensure property owners and potential property owners are notified when property is located in special flood hazard areas;

H. Ensure those who occupy special flood hazard areas assume responsibility for their actions;

I. Coordinate with local partners to implement the Carson River Regional Floodplain Management Plan;

J. Maintain qualifying standards for participation in the National Flood Insurance Program; and

K. Comply with applicable Code of Federal Regulations. (Ord. 1251, 2008; Ord. 763, 1996; Ord. 472, 1987; Ord. 331, 1980; Ord. 158, 1956)

20.50.030 Statement of Fact

A. Portions of Douglas County are subject to periodic inundation by flood waters which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, flood-proofed, or protected from flood damage. The cumulative effect of obstructions in flood-prone areas increases flood heights and velocities, which also contribute to flood losses. (Ord. 1251, 2008; Ord. 763, 1996)

20.50.040 Purpose

~~It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flooding in specific areas through the implementation of provisions designed to~~

- ~~—A. Protect human life and health, protect the floodplain, and minimize adverse impact;~~
- ~~—B. Minimize expenditure of public money for costly flood control projects;~~
- ~~—C. Minimize the need for rescue and relief efforts associated with flooding, which are usually at the expense of the general public;~~
- ~~—D. Minimize prolonged business interruptions;~~
- ~~—E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in special flood hazard areas;~~
- ~~—F. Help maintain a stable tax base by providing for the sound use and development of special flood hazard areas and X shaded flood zones to minimize property devaluation resulting from flood damage and events;~~
- ~~—G. Ensure property owners and potential property owners are notified when property is located in special flood hazard areas;~~
- ~~—H. Ensure those who occupy special flood hazard areas assume responsibility for their actions;~~
- ~~—I. Maintain qualifying standards for participation in the National Flood Insurance Program; and~~
- ~~—J. Comply with applicable Code of Federal Regulations. (Ord. 1251, 2008; Ord. 763, 1996; Ord. 472, 1987; Ord. 331, 1980; Ord. 158, 1956)~~

20.50.050 20.50.040 Intent

The intent of this chapter is to incorporate development standards that further the purpose as follows:

A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion, flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, alluvial fans, stream channels, and natural protective barriers, that help accommodate or channel flood waters;

D. Control filling, grading, dredging, and other development that may increase flood damage; and

E. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 1251, 2008; Ord. 763, 1996)

~~20.50.060~~ 20.50.050 Applicability

This ordinance applies to all properties within the county that are located within a FEMA designated special flood hazard area and to all construction and development projects within the designated special flood hazard areas and X-shaded flood zone. For the purposes of this chapter, the special flood hazard area and X-shaded flood zone identified by the Federal Insurance Administration (FIA) in the Douglas County, Nevada and Incorporated Areas Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Maps (FIRM) dated ~~November 8, 1999~~ January 20, 2010, and all subsequent amendments and revisions are adopted by reference and declared to be a part of the ~~ordinance~~ Chapter. The FIS and attendant mapping is the minimum area of applicability of this ~~ordinance~~ Chapter and may be supplemented by studies for other areas that allow implementation of this ~~ordinance~~ Chapter and that are recommended to the board by the administrator. The FIS and FIRM are on file with the community development department. (Ord. 1251, 2008; Ord. 801, 1997; Ord. 763, 1996; Ord. 472, 1987; Ord. 331, 1980)

~~20.50.070~~ 20.50.060 Warning and disclaimer of liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. ~~scientific and engineering considerations.~~ Larger floods can and will occur on occasion. Flood depths or heights may be increased by man-made or natural causes. This ~~ordinance~~ Chapter does not imply that land outside special flood hazard areas and the X-shaded flood zones or uses permitted within these areas will be free from flooding or flood damages. This ~~ordinance~~ Chapter does not create liability on the part of the county, any officer or employee, the state, the Federal Insurance Administration, or FEMA, for any flood damages that result from reliance on this ordinance or any lawful administrative decision. (Ord. 1251, 2008; Ord. 801, 1997; Ord. 763, 1996)

~~20.50.020~~ 20.50.070 Definitions

Definitions of many of the words used in this Chapter are contained in Appendix A to Title 20. Unless specifically defined in Appendix A to Title 20 or in this ordinance, or as used in Title 20, the words and phrases used in this Chapter should be interpreted to give them the meaning they have in common usage and to give this Chapter it's most reasonable application. (Ord. 1251, 2008)

~~20.50.160~~ 20.50.080 Adverse impact

For purposes of this chapter adverse impact means that no new construction, substantial improvements, or other development, including fill, may be permitted within the special flood hazard areas unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Adverse impact does not include a reduction in the base flood elevation or the floodplain or property not owned by the applicant. (Ord. 1251, 2008)

20.50.170 20.50.090 No-rise certification

For purposes of this chapter, no-rise means no increase in flood heights upstream, downstream or adjacent to the parcel that is located in the vicinity of a regulatory floodway. The no-rise certification shall be supported by technical data and signed by a professional engineer licensed in the state of Nevada. The supporting technical data shall be based on a FEMA approved model used to develop the 100-year floodway shown on the FIRM and the results tabulated in the Flood Insurance Study. In a special flood hazard area a no-rise certification must be submitted for any construction or other development that is permitted to proceed without a CLOMR on a form approved by the administrator and prepared by a professional engineer licensed in the state of Nevada. (Ord. 1251, 2008)

20.50.180 20.50.100 Substantial improvement and Substantial Damage Definition

A. For purposes of this Chapter, cumulative substantial improvement means improvements, modifications, or additions to existing buildings are counted cumulatively for at least five years and reconstruction and repairs to damaged buildings are counted cumulatively for at least five years. When the improvements, modifications, additions, reconstruction or repairs equals or exceeds the 50% substantial improvement threshold, the entire structure must be brought up to current floodplain standards.

B. For the purposes of this Chapter, cumulative Substantial Damage means the total cost of all repairs to a repetitive loss structure shall not cumulatively increase the market value of the structure more than 49 percent of the market value during the life of the structure. When the improvements, modifications, additions, reconstruction or repairs equals or exceeds the 50% substantial damage threshold, the entire structure must be brought up to current floodplain standards. This term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any repair of flood damage to a "historic structure", provided the repair will not preclude the structure's continued designation as a "historic structure".

B. For the purposes of determining substantial improvements and substantial damage, market value pertains only to the structure in question. It does not include the land, landscaping or detached accessory structures on the property. (Ord. 1251, 2008)

20.50.110 Hydrology and Hydraulic Study Requirements

All hydrology and hydraulic studies(also known as Flood Impact Analysis) referenced in this Chapter must be by a professional engineer licensed in the state of Nevada and meet FEMA standards for hydrology and hydraulic studies submitted for the approval of CLOMRs and LOMRs. Except for areas were FEMA allows the use of the approximate method, the preferred modeling tool to determine changes to the base flood elevations and the floodplain boundary shall be the current acceptable version of HEC-RAS. (Ord. 1251, 2008)

20.50.130 20.50.120 CLOMRs and LOMRs

A. If a hydrology and hydraulics study required under 20.50.170 Special Requirements for Land Division in Special Flood Hazard Areas, or 20.50.180 Floodplain Development

Review/Permit applications, demonstrates the proposed development will cause greater than 0.5 feet of change to the BFE or injure other property, a CLOMR must be obtained from FEMA.

B. If a hydrology or hydraulics study required under 20.50.170 or 20.50.180 demonstrates the proposed development will expand the floodplain boundary of the effective FIRM utilizing the Corrected Effective Model or the Effective Model, as recognized by FEMA, a LOMR must be obtained from FEMA.

C. When a CLOMR is required, it must be submitted to the county for review in a form acceptable to FEMA. Notebook style format is preferred. Once the application is approved as to form and content, and it meets the requirement of this code, the county will send it to FEMA. The county must complete its initial review within 50 days and the review of a resubmitted application within 30 days.

D. When a CLOMR is required to meet the requirement of 20.50.180, the applicant must send notice, in the form of a letter, to any land owner affected by the project whose property will have any increase in the base flood elevation.

E. A FEMA approved CLOMR is not required for :

1. A residential dwelling unit or accessory structure on an existing A-19 agricultural parcel that meets the construction requirements of Section 20.50.230 Standards for Construction, provided the applicant provides an elevation certificate either by the approximate method under FEMA regulations or a hydrology and hydraulics study prepared by a professional engineer licensed in the state of Nevada.

2. Accessory buildings, additions, or similar small projects located in the conveyance shadow within which the applicant demonstrated the addition of a new structure will not impact existing flood flows.

3. Minor projects, such as signposts, telephone poles, barbed wire and other fences that do not block flow, driveways or parking lots at grade.

4. Other construction or development not impacting a watercourse shown by a hydrology and hydraulics study to produce no net change in the base flood elevation.

5. Ranch Heritage parcel(s) or Agricultural 2-acre parcel(s) lawfully created pursuant to chapter 20.714, provided no more than one foot of fill above existing grade is used for the new construction, including driveways or streets serving the parcel(s). The parcel(s) must meet the construction requirements of section 20.50.230. (Ord. 1251, 2008)

F. If a CLOMR is required, a LOMR application must be submitted to Community Development prior to issuance of the notice of completion or certificate of occupancy. The notebook-style format is the preferred submittal for both a CLOMR and LOMR by FEMA and Douglas County. Prior to the issuance of any (residential or non-residential) building permit, a FEMA approved LOMR must be submitted to the County if the proposed BFE is less than that shown on the current effective FIRM. If the improvements required of the FEMA approved CLOMR are done under a site improvement permit then a special condition shall be placed on the permit requiring the submittal of the LOMR to the County to be forwarded to FEMA for approval and then approved by FEMA prior to issuance of a Certificate of Occupancy.

20.50.130 Conditional Letter of map Revision and Letter of Map Revisions based on fill Procedure

Prior to filing a Conditional Letter of Map Revision based on fill (CLOMR-F) or a Letter of Map Revision basin on fill (LOMR-F) to FEMA for properties in the special flood hazard area, a property owner must submit the CLOMR-F and/or LOMR-F to Douglas County for review.

20.50.140 Letter of map amendment (LOMA) Procedure

Prior to filing a Letter of Map Amendment (LOMA) to FEMA for properties in the floodway, a property owner must submit the LOMA to Douglas County for review. If the property is not located within the floodway and the owner believes the property has been inadvertently included in the special flood hazard area, the property owner may submit a LOMA to the Federal Insurance Administrator for review. These procedures do not apply when there has been any alteration of topography since the effective date of the first FIRM showing the property within the special flood hazard area. (Ord. 1251, 2008; Ord. 801, 1997; Ord. 763, 1996; Ord. 472, 1987; Ord. 331, 1980).

20.50.080 20.50.150 Designation of county floodplain administrator

The director of the community development department is appointed county floodplain administrator and is responsible for administration and implementation of this chapter. For the purposes of this chapter the county floodplain administrator will be referred to as “administrator”. (Ord. 1251, 2008; Ord. 801, 1997; Ord. 763, 1996; Ord. 472, 1987; Ord. 331, 1980)

20.50.090 20.50.160 Duties and responsibilities of county floodplain administrator

Duties and responsibilities of the administrator or designee of the administrator include, but are not limited to the following:

A. Floodplain development review/permit application (see 20.50.180 Floodplain Development Review/Permit Applications). A floodplain development review/permit (for residential or non-residential) will not be issued for a parcel or parcels within, or that has construction on a parcel with any portion within, a special flood hazard area ~~or the X-shaded flood zone~~ until the administrator has confirmed that:

1. The permit application is complete and consistent with the provisions and standards of this chapter;
2. All required state and federal permits have been issued; and
3. Proposed development in a designated special flood area will have no adverse impact to the floodplain. ~~and any construction or other improvement in the X-shaded flood zone will not encroach into the special flood hazard area.~~

B. Alteration of watercourses. Before a permit may be issued for any alteration or relocation of a watercourse the administrator must:

1. Confirm the applicant has a conditional letter of map revision (CLOMR).
2. Verify that the applicant has notified all affected property owners and communities, Nevada’s State Floodplain Manager, Nevada Division of Water Resources, and FEMA.
3. Determine that the permit holder has provided for maintenance within the altered or relocated portion of the watercourse, based on information provided by the applicant, so that the flood carrying capacity is not diminished.

C. Inspections. ~~The administrator must make~~ Periodic inspections throughout the period of construction in order to monitor compliance with the requirements of the floodplain development

review/permit applicaiton, elevation certificate, FEMA approved CLOMR, or any variance provisions.

D. Stop work orders. The administrator may issue, or cause to be issued, a stop work order for any floodplain development not in compliance with the provisions of this chapter, conditions of the development permit, or all development proceeding without a valid development permit.

E. Retaining floodplain development documentation. The administrator must obtain, retain for public inspection, and have available for the National Flood Insurance Program and FEMA representative the following:

1. Floodplain development review/permits and certificates of compliance;
2. Certification for lowest floor elevation;
3. Certification for elevation or flood-proofing of nonresidential structures;
4. Certification of elevation required as a part of division of land;
5. Certification for floodway encroachments also referred to as a “no-rise certification by the National Flood Insurance Program (NFIP);
6. Variances issued pursuant to this chapter;
7. Notices required for alteration of watercourses;
8. Any notices required for the addition of fill;
9. Copies of approved elevations, footing details, and site plans; and
10. Copies of approved CLOMRs and letter of map revision (LOMR)s.

F. Map determinations. The administrator may make map interpretations where needed, as to the location of the boundaries of special flood hazard areas and where there appears to be a conflict between a mapped boundary and actual field conditions. The administrator may determine the best information available in making the map determinations. Applicants must provide documentation to assist the administrator in making the determination when requested by the administrator.

G. Submission of new technical data to FEMA. When the administrator has received technical or scientific data that the base flood elevation has either increased or decreased resulting from physical changes affecting flooding conditions, the administrator will submit the technical or scientific data to FEMA, as soon as practical, after the date technical information confirming the physical changes becomes available. The technical or scientific data provided to the administrator shall meet the FEMA notebook-style format as preferred.

H. Appeals. Appeals of the decision of the administrator must be made in accordance with chapter 20.28 of this code. (Ord. 1251, 2008; Ord. 801, 1997; Ord. 763, 1996)

~~20.50.110~~ 20.50.170 Special requirements for land division in special flood hazard areas

A. For proposed residential or commercial/industrial land division in a special flood hazard area, or land division affected by revised Flood Insurance Rate Map (FIRM) by inclusion into the Special Flood Hazard Area (SFHA), the applicant must submit the following information:

1. A floodplain development review/permit application with a hydrology and hydraulics study that demonstrates that the developed project will not cause any adverse impact to the floodplain. If the study shows change in the base flood elevation (BFE) of greater than 0.5 feet, injury to

other property or expands the floodplain boundary of the effective FIRM utilizing the Corrected Effective Model or the Effective Model, as recognized by FEMA the applicant must comply with Section 20.50.120. If a CLOMR and LOMR are required under Section 20.50.120, the final map may not be recorded or any work permitted under a site improvement permit until the CLOMR is approved by FEMA. Applicants must notify all impacted property owners and communities, and as applicable: Nevada's State Floodplain Manager, Nevada Division of Water Resources, FEMA, and other regulatory agencies of any proposed changes to the floodplain on a form provided by the County, and provide proof of the notification.

2. Tentative subdivision or serial parcel maps and grading plans that:

a. identify the special flood hazard area, x-shaded areas, and the base flood elevation;

b. provide the elevation of proposed structures or building pads.

B. Land may not be divided for residential purposes that will result in the creation of a parcel that is less than 19 net acres, unless the applicant shows that:

1. The parcels may be lawfully created pursuant to section 20.664.095 or are Ranch Heritage parcel(s) or Agricultural 2-acre parcel(s) lawfully created pursuant to chapter 20.714; or

2. The portion of the land in the special flood hazard area will be contained on a single parcel; and

3. The land within the special flood hazard area is retained in a natural state including, without limitation, no solid fencing that impedes the flow of floodwaters or other improvements; and

4. The land within the special flood hazard area is held in common or single ownership with any overlying drainage easement; and

5. A property owner's association or similar entity is legally responsible for maintenance of the land in the special flood hazard area in its natural state.

20.50.100 20.50.180 Floodplain development Review/Permit Applications

A floodplain development review/permit application must be obtained before any construction (residential or non-residential), land division, building permit, or site improvement permit, including without limitation, substantial improvements, or other development, is undertaken on a parcel or parcels contained within, or that has construction on a parcel with any portion within, a special flood hazard area, ~~or X-shaded flood zone~~. A floodplain permit is not required for certain agricultural activities, including but not limited to, cleaning irrigation ditches, leveling of fields, construction or maintenance of irrigation structures, or storage areas of agricultural products.

A. Floodplain development review/permit application procedures:

Application for a floodplain development review/permit must be made on forms furnished by the administrator. The property owner or their authorized representative must tender a completed Floodplain Development Review/Permit application to the Community Development Department. The application must contain the following information:

- i. A legal description of the land on which the proposed work is to be done, street address, or similar description that identifies and definitely locates the proposed site.
- ii. A description of development and site information.
- iii. Identification of the special flood hazard area, base flood elevation (if known), floodway, elevation of the proposed development site, and elevation/flood-proofing requirements.

B. A Floodplain Development Review/Permit application is required for CLOMRs, LOMRs, LOMAs (only when property is located in the regulatory floodway AE with cross-hatch on FIRM), CLOMR-Fs, LOMR-Fs and Flood Impact Analyses, or no-rise certifications.

An applicant for a floodplain development permit must comply with the following requirements:

20.50.190 Development in Special Flood Hazard Areas

—A. Special Flood Hazard Areas.

~~Applicants must notify all impacted property owners and communities, and as applicable: Nevada's State Floodplain Program Manager, Nevada Division of Water Resources, FEMA, and other regulatory agencies of any proposed changes to the floodplain on a form provided by the county, and provide proof of the notification.~~

When a parcel is partially within a special flood hazard area, any proposed construction, including without limitation, substantial improvements or other development on the parcel not within the special flood hazard area is exempt from the requirements of this subsection when the applicant provides a survey by a licensed engineer delineating the floodplain boundaries on the parcel, an elevation certificate and proof the proposed construction, substantial improvement or other development does not encroach into the special flood hazard area.

Whenever the proposed construction, including without limitation, substantial improvements or other development will be undertaken in a designated special flood hazard area, the applicant must comply with the provisions of ~~20.50.120~~20.50.230 Standards for Construction and provide at minimum the following information, unless inapplicable:

~~— 1. A hydrology and hydraulics study that demonstrates the proposed development will not cause any adverse impact, as defined in this chapter. If the study shows change in the base flood elevation (BFE) of greater than 0.5 feet, injury to other property or expands the floodplain boundary of the effective FIRM utilizing the Corrected Effective Model or the Effective Model, as recognized by FEMA the applicant must comply with the section 20.50.130.~~

~~— 2. For existing residential lots and residential or commercial/industrial lots tentatively approved by subdivision or parcel maps prior to the effective date of this ordinance, the following shall apply:~~

~~— a. For existing residential lots a hydrology and hydraulic study and CLOMR is not required.~~

~~— b. For residential lots tentatively approved and previously conditioned to comply with the floodplain management chapter, the applicant shall prove that the impact to the BFE is not greater than 1 foot; where applicable approximate method(s) may be used. If the impact to the BFE is greater than 1 foot, then a CLOMR and LOMR is required.~~

~~———— c. For commercial/industrial lots tentatively approved and previously conditioned to comply with the floodplain management chapter, the applicant shall prove that the impact to the BFE is not greater than 1 foot; where applicable approximate method(s) may be used. If the impact to the BFE is greater than 1 foot, then a CLOMR and LOMR is required.~~

~~———— d. For any tentatively approved lot affected by a revised FIRM by inclusion into a special flood hazard area, the applicant shall prove that the impact to the BFE is not greater than 1 foot; where applicable the approximate method(s) may be used. If the impact to the BFE is greater than 1 foot, then a CLOMR and LOMR is required.~~

~~3-1.~~ Plans drawn to scale in duplicate showing:

a. Location of all regulatory floodways; *and* special flood hazard areas, ~~and X-shaded flood zones.~~

b. Location, dimension, and elevation of the area in question, existing or proposed structures, and location of materials and equipment stored on the site.

c. Proposed locations of water supply, sanitary sewer, and other utilities.

d. Grading information showing existing and proposed contours at intervals of not more than 2 feet if the general slope of the land is less than 10 %, and 5 foot intervals for all other areas, or a more precise interval as necessary to show the grading information, extending 100 feet surrounding the parcel, any proposed fill, and drainage facilities.

e. The proposed elevation ~~in relation to mean sea level~~ *correlated to NAVD 88 vertical datum* of the lowest floor of all residential and nonresidential structures whether new or substantially improved to be located in all special flood hazard areas other than Zone AO.

f. The proposed height of the lowest floor, in relation to the pre-developed highest adjacent grade and depth number specified in feet on the FIRM, of the lowest floor for all residential and non-residential structures whether new or substantially improved to be located in Zone AO.

g. The proposed elevation ~~in relation to mean sea level~~ *based on an assumed local datum or correlated to NAVD 88 vertical datum* of the lowest floor, of all residential and non-residential structures whether new or substantially improved to be located in Zone AO if an elevation certificate is being prepared to support a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F) or if the administrator requests the information due to unique flooding in an area. ~~All elevations relative to mean sea level~~ *correlated to NAVD 88 vertical datum* must be determined by a professional engineer licensed in the state of Nevada.

h. The proposed elevation ~~in relation to mean sea level~~ *correlated to NAVD 88 vertical datum*, to which any new or substantially improved nonresidential structure will be flood-proofed.

i. When base flood elevation data is not available from any source for the parcel upon which the construction or other development is to be undertaken, and the parcel is located in Zone A, base flood elevation data for that parcel performed by a professional engineer licensed in the state of Nevada.

4.2. A map produced by a professional engineer licensed in the state of Nevada that clearly shows the limits of the special flood hazard area as determined from the adopted FIRM, site topography, base flood elevation, and other best available information.

~~B. X shaded flood zone.~~

~~When a parcel is partially within an X shaded flood zone, any proposed construction, including without limitation, substantial improvements or other development on the parcel not within the X shaded flood zone is exempt from the requirements of this subsection when the applicant provides either, proof the proposed construction meets the requirements of 20.50.120 for construction in the X shaded flood zone; or a survey by a professional engineer licensed by the state of Nevada delineating the floodplain boundaries on the parcel and proof the proposed construction, substantial improvement or other development does not encroach into the X shaded flood zone.~~

~~Whenever the proposed construction or substantial improvements, will be undertaken in the X shaded flood zone the applicant must provide at minimum the following information, unless inapplicable:~~

~~1. Plans drawn to scale in duplicate showing:~~

~~a. Location of the X shaded flood zone.~~

~~b. Location and dimension of the area in question and existing or proposed structures.~~

~~c. Proposed location of water supply, sanitary sewer, and other utilities.~~

~~d. Grading information showing existing and proposed contours at intervals of not more than 2 feet if the general slope of the land is less than 10 %, and 5 foot intervals for all other areas, extending 100 feet surrounding the parcel, any proposed fill, and drainage facilities.~~

~~e. The proposed elevation above the predeveloped highest adjacent grade of the lowest floor of all residential and nonresidential structures whether new or substantially improved.~~

~~f. The proposed elevation above the predeveloped highest adjacent grade to which any new or substantially improved nonresidential structure will be flood proofed or flood resistant using county approved materials.~~

~~C. 20.50.200 Development in and around Watercourses.~~

The administrator may not issue a floodplain development review/permit for altering or relocating a watercourse unless, in addition to all of the other information required by this section:

1. FEMA has ~~issued~~ *approved* a CLOMR.

2. The applicant provides a description of the extent to which the watercourse will be altered or relocated as a result of the proposed development.

3. The applicant provides computations by a professional engineer licensed in the state of Nevada that demonstrate that the altered or relocated segment will provide equal or more capacity than the original watercourse.

4. The applicant provides a legally enforceable assurance that the conveyance capacity of the altered or relocated stream segment will be maintained.

5. For watercourses identified as blue line streams on the USGS topographic maps, a letter of determination for jurisdictional authority must be provided by the US Army Corps of Engineers.

D. 20.50.210 Development in Floodways-

The administrator may not issue a floodplain development/review permit for any encroachment in the adopted regulatory floodway, including without limitation, fill, new construction, substantial improvements, storage of equipment or supplies, and any other development unless:

1. The applicant has demonstrated through a hydrology and hydraulics study and a no-rise certification (see Section 20.50.090) that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge, and

2. FEMA has ~~issued~~ approved a CLOMR.

E. 20.50.220 Development in Alluvial fan areas-

All floodplain development review/permit applications will be reviewed to determine if the proposed development is located within an alluvial fan area and determine its relation to designated flood zones.

1. The review process will determine if the proposed site and improvements, and adjacent or other affected properties, will be reasonably safe from erosion, sediment deposition or flood hazards. Factors to be considered in making this determination include but are not limited to the following:

- a. Type and quality of soils;
- b. Evidence of ground water or surface water problems;
- c. Depth and quality of any fill;
- d. The overall slope of the site;
- e. Location and character of conveyance facilities and structures both up and downstream; and
- f. Impacts to conveyance capacities of existing drainages and storm water flow routes.

2. When a proposed development is located in an alluvial fan area, the following are the minimum requirements:

- a. A site investigation must be made by persons qualified in geology and soils engineering;
- b. The proposed grading, excavations, new construction, and substantial improvements must be adequately designed and protected against erosion and flood damages both on-site and off-site;
- c. The proposed grading, excavations, new construction and substantial improvements must not aggravate the existing hazard by creating either on-site or off-site disturbances; and
- d. Drainage, planting, watering, and maintenance must not endanger ground or slope stability.

~~—F. Additional information may be required on the permit application forms. (Ord 1251, 2008)~~

3. Elevating a parcel of land or a structure by fill or other means will not serve as a basis for removing areas subject to alluvial fan flooding from an area of special flood hazards. Alluvial fan areas are recognized on the FIRM as AO zones with an associated velocity and in these zones a LOMR-F is not permitted.

20.50.110 Special requirements for land division in special flood hazard areas

~~Any land division proposal creating lots of less than 19 net acres under chapter 20.708~~

~~Subdivisions or section 20.712.050 Serial parcel maps for land that is within, or that has construction partially within, a special flood hazard area; an applicant must comply with the following requirements:~~

~~—A. The applicant must submit the following information:~~

~~—1. A hydrology and hydraulics study that demonstrates that the developed project will not have any adverse impact.~~

~~—2. Tentative subdivision or serial parcel maps and grading plans that:~~

~~— a. identify the special flood hazard area, x-shaded areas, and the base flood elevation;~~

~~— b. provide the elevation of proposed structures or building pads.~~

~~—B. If the hydrology and hydraulics study shows any adverse impact, injury to other property or expands the floodplain boundary of the effective FIRM utilizing the Corrected Effective Model or the Effective Model, as recognized by FEMA the applicant must comply with section 20.50.130. If a CLOMR and LOMR are required under that section, the final map may not be recorded or any work permitted under a site improvement permit until the CLOMR is approved by FEMA.~~

~~—C. Land may not be divided for residential purposes that will result in the creation of a parcel that is less than 19 net acres, unless the applicant shows that:~~

~~—1. The parcels may be lawfully created pursuant to section 20.664.095 or are Ranch Heritage parcel(s) or Agricultural 2-acre parcel(s) lawfully created pursuant to chapter 20.714; or~~

~~—2. The portion of the land in the special flood hazard area will be contained on a single parcel; and~~

~~—3. The land within the special flood hazard area is retained in a natural state including, without limitation, no solid fencing that impedes the flow of floodwaters or other improvements; and~~

~~—4. The land within the special flood hazard area is held in common or single ownership with any overlying drainage easement; and~~

~~—5. A property owner's association or similar entity is legally responsible for maintenance of the land in the special flood hazard area in its natural state.~~

~~—D. Existing parcels less than 19 net acres in special flood areas may not be divided for residential purposes. (Ord 1251, 2008)~~

20.50.120 20.50.230 Standards for construction

In all special flood hazard areas, the following standards apply:

A. Anchoring. All new construction, substantial improvements and manufactured homes, and portable storage containers must be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction materials and methods. All new construction and substantial improvements, including manufactured homes, must be constructed to meet FEMA requirements:

1. With materials, mechanical equipment, and utility equipment that satisfy flood-proofing requirements;

2. With design methods and practices that minimize flood damage;

3. To ensure electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed or located so as to prevent water from entering or accumulating within the components during flooding;

4. Within flood zones AH or AO, with adequate drainage conveyance structures to convey flood waters around and away from proposed structures.

~~5. When fill is used for new construction, substantial improvements, driveways or streets in a special flood hazard zone, a Conditional Letter of Map Revision based on fill (CLOMR-F) must be filed with the county. Ranch Heritage parcel(s) or Agricultural 2-acre parcel(s) lawfully created pursuant to chapter 20.714 do not have to file a CLOMR-F if no more than one foot of fill above existing grade is used for the new construction, including driveways or streets serving the parcel(s).~~

C. Elevation requirements for lowest floor. Residential construction, including the placement of manufactured housing units, sunrooms and new or substantial improvements, must have the lowest floor, as follows:

1. In zone AO, elevated above the predeveloped highest adjacent grade to a height at least one foot above the depth number specified in feet on the FIRM. A professional surveyor or engineer licensed in the state of Nevada must complete the elevation certificate.

2. In zone A, elevated at least one foot above the base flood elevation as determined by a professional engineer licensed in the state of Nevada.

3. In zones AH, elevated at least one foot above the base flood elevation as specified on the FIRM and determined by a professional engineer licensed in the State of Nevada.

4. In zone AE, elevated at least one foot above the base flood elevation as specified on the FIRM or determined by a professional engineer licensed in the State of Nevada State.

5. In all the X-shaded flood zone, one of the following minimum criteria must be met:

a. The lowest floor must be elevated one foot above the pre-developed highest adjacent grade:

~~b. The structure must be flood proofed or made flood resistance using county approved materials one foot above the pre-developed highest adjacent grade; or~~

~~cb.~~ The applicant must provide a drainage plan by professional engineer licensed in the state of Nevada for diverting water around the proposed structure through the use of berms, swales, or other drainage features.

D. If a residential substantial improvement, entire structure must be floodproofed to one foot above the base flood elevation or depth if zone AO. Substantial improvements are defined in Section 20.50.100.

DE. Lowest floor certification requirements. For structures located within a special flood hazard area, the applicant must submit an elevation certificate that certifies the lowest floor meets this chapter's elevation requirements. The administrator may waive the elevation certificate requirement for the following:

1. Non-habitable agriculture structures (barn or shed) in Zone A if the following requirements are met:

a. The proposed structure has a minimum 24-inch stem-wall of flood-proof material (stone, brick, cement, etc.), is built with pier foundations, or the structure is entirely of metal or other flood-proofed material.

b. All mechanical or electrical equipment is located 24 inches above the pre-developed highest adjacent grade or one foot above the base flood elevation whichever is greater.

c. The structure has a minimum of 2 openings having a total net area of not less than 1 square inch of every square foot of enclosed area subject to flooding and the bottom of all such openings, is no higher than one foot above the lowest adjacent finished grade *and installed below the base flood elevation.*

2. Monument signs located within a special flood hazard area if the bottom of the monument sign is elevated one foot above the base flood elevation, is parallel to flow, does not block flow, and is constructed of flood proofed materials.

EF. Nonresidential flood-proofing requirements. New nonresidential construction and substantial improvement to existing nonresidential structures must either be elevated to conform with paragraph C, above, or together with attendant utility, mechanical and sanitary facilities as follows:

1. Be flood-proofed below the base flood elevation so that the structure, the utilities, mechanical equipment and sanitary facilities are watertight with walls substantially impermeable to the passage of water;

2. Have the structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a professional engineer or architect licensed in the state of Nevada that the standards are satisfied. The certification must be provided to the administrator.

FG. Requirements for areas below the lowest floor. All new construction and substantial improvements to existing structures within a special flood hazard area with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, must be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a professional engineer or architect licensed in the state of Nevada or meet or exceed the following minimum criteria:

1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. Net area may be reduced by manufacturer or engineer certification if engineered flood openings are used. If a structure has more than one enclosed area, each area must have openings on different sides to allow floodwaters to directly enter and exit. Openings must be equipped with FEMA approved louvers or other designed openings that permit the automatic entry and exit of flood waters.

2. The bottom of all such openings must be no higher than one foot above the exterior lowest adjacent finished grade and be installed below the base flood elevation.

~~3. Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of flood waters. If an opening is to be covered by some type of cover (grill, grate, bars, or louvers), the net area of the opening must be used and the number of openings increased accordingly.~~

4.3. Have an adequate drainage system that removes floodwaters from the interior of the crawlspace.

GH. Standards for utilities.

1. All public utilities and facilities must be located and constructed to minimize flood damage.

2. All new and replacement water supply systems must be designed to prevent infiltration and intermingling of flood waters.

3. All new and replacement sanitary sewage systems must be designed to prevent infiltration and intermingling of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation must be provided with automatic back-flow valves or other automatic back-flow devices that are installed in each discharge line passing through a building's exterior wall.

4. On-site individual sewage disposal systems must be designed, constructed and located to avoid impairment to their functioning and to reduce potential contamination during flood events.

5. All heating, venting and air conditioning (HVAC) systems and other aboveground mechanical and electrical equipment must be located at least one foot above the base flood elevation and be located and constructed to minimize flood damage.

HJ. Standards for critical structures. Critical structures, as defined in Appendix A of this title, are not permitted to be constructed within a special flood hazard area, unless:

1. All alternative locations in the X-unshaded flood zone have been considered and rejected.

2. All alternative locations in X-shaded flood zone have been considered and rejected.

If the administrator determines the only practical alternative location for the development of a new or substantially improved critical structure is in a special flood hazard area, the administrator must give public notice of the decision and reasons for the elimination of all alternative locations. Additionally if a critical structure must be located in a floodplain, then it will be designed to higher protection standards and have flood evacuation plans. The more common standards such as freeboard, elevation above the 500-year floodplain, and elevated ramps will be required. (NFIP)

~~J.~~ Special standards for manufactured homes.

1. All manufactured homes that are placed or substantially improved, within zones A, AH, AO and AE as shown on the FIRM must have the lowest floor elevated one foot above the base flood elevation, as determined by a professional engineer licensed in the state of Nevada on a permanent, full perimeter foundation and be securely anchored to a foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A, AH, AO and AE as shown on the community's FIRM are not subject to the provisions of subparagraph 1, above, provided that:

a. The lowest floor of the manufactured home is at least one-foot above the base flood elevation; or

b. The manufactured home chassis is supported by reinforced flood-proofed piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

~~K.~~ Recreational vehicles. All recreational vehicles placed on sites within zones A, AH, AO and AE must either:

1. Be on the site for fewer than 180 consecutive days;

2. Meet the permit requirements of this ordinance including the elevation and anchoring requirements for manufactured homes; or

3. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devised and has not permanently attached additions.

~~L.~~ Standards for below-grade crawl space construction. The following requirements must be met for below-grade crawl space construction:

1. The interior grade of a crawl space if below the base flood elevation, must not be more than two feet below the lowest adjacent exterior grade.

2. The height of the below-grade crawl space measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirement for flood hazard areas.

3. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space. A professional engineer licensed in the state of Nevada must verify the drainage system.

4. The velocity of floodwaters at the site may not exceed five feet per second. A professional engineer licensed in the state of Nevada must verify the velocity of floodwaters.

~~M. Decks. Decks under 30 inches in height within a special flood hazard area, that are located below the base flood elevation, must be constructed with flood resistant or flood proof materials.~~

M. Breakaway walls. A breakaway wall must have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway wall must be certified by a professional engineer or architect licensed in the state of Nevada and must meet the following conditions:

1. Breakaway wall collapse must result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building must not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

~~—N. Base flood elevation for Lake Tahoe. A professional engineer licensed in the state of Nevada may use 6,229.1 Lake Tahoe Datum as a base flood elevation for properties located adjacent or near Lake Tahoe where Lake Tahoe is the only flooding source.~~

O. Landscaping and Landscaping berms. The planting of landscaping in the special flood hazard areas shall consider the least resistance to stormwater flow. The construction of landscaping berms within the special flood hazard area shall be designed in consideration of the direction of stormwater flow, and will not be allowed to divert direction of flow. As part of the building permit submittal for any new construction where landscape or landscape berms are proposed, grading plans must show no adverse impact to the floodplain.

OP. Multiple flood zones. Proposed construction, including without limitation, substantial improvement, and other development, of a parcel within multiple flood zones must be constructed to the standards of the most restrictive flood zone. (Ord. 1251, 2008; Ord. 984, 2001; Ord. 801, 1997; Ord. 763, 1996; Ord. 567, 1992; Ord. 472, 1987; Ord. 331, 1980)

20.50.130 CLOMRs and LOMRs

~~—A. If a hydrology and hydraulics study required under 20.50.100 or 20.50.110 demonstrates the proposed development will cause greater than 0.5 feet of change to the BFE or injure other property, a CLOMR must be obtained from FEMA.~~

~~—B. If a hydrology or hydraulics study required under 20.50.100 or 20.50.110 demonstrates the proposed development will expand the floodplain boundary of the effective FIRM utilizing the Corrected Effective Model or the Effective Model, as recognized by FEMA a LOMR must be obtained from FEMA.~~

~~—C. When a CLOMR is required, it must be submitted to the county for review in a form acceptable to FEMA. Once the application is approved as to form and content, and it meets the requirement of this code, the county will send it to FEMA. The county must complete its initial review within 50 days and the review of a resubmitted application within 30 days.~~

~~—D. When a CLOMR is required to meet the requirement of 20.50.110, the applicant must send notice, in the form of a letter, to any land owner affected by the project whose property will have any increase in the base flood elevation.~~

~~—E. A CLOMR is not required for :~~

~~—1. A residential dwelling unit or accessory structure on an existing A-19 agricultural parcel that meets the construction requirements of section 20.50.120, provided the applicant provides an elevation certificate either by the approximate method under FEMA regulations or a hydrology and hydraulics study prepared by a professional engineer licensed in the state of Nevada.~~

— 2. Accessory buildings, additions, or similar small projects located in the conveyance shadow within which the applicant demonstrated the addition of a new structure will not impact existing flood flows.

— 3. Minor projects, such as signposts, telephone poles, barbed wire and other fences that do not block flow, driveways or parking lots at grade.

— 4. Other construction or development not impacting a watercourse shown by a hydrology and hydraulics study to produce no net change in the base flood elevation.

— 5. Ranch Heritage parcel(s) or Agricultural 2-acre parcel(s) lawfully created pursuant to chapter 20.714, provided no more than one foot of fill above existing grade is used for the new construction, including driveways or streets serving the parcel(s). The parcel(s) must meet the construction requirements of section 20.50.120. (Ord. 1251, 2008)

20.50.140 Letter of map amendment (LOMA)

— A. The following administrative procedures are provided to have the Federal Insurance Administrator review information from an owner or lessee of property who believes his property has been inadvertently included in a special flood hazard area. These procedures do not apply when there has been any alteration of topography since the effective date of the first FIRM showing the property within a special flood hazard area. The scientific or technical information submission may include, but is not limited to the following:

— 1. An actual copy of the recorded map bearing the seal of the county recorder, including recording information;

— 2. A topographical map showing:

— a. Ground elevation contours in relation to the NAVD88 or vertical datum of the effective map;

— b. The total area of the property in question;

— c. The location of the structure or structures located on the property in question;

— d. The elevation of the lowest adjacent grade to a structure or structures; and

— e. An indication of the curvilinear line, which represents the area subject to inundation by a base flood. The curvilinear line should be based upon information provided by an appropriate authoritative source, such as a federal agency, department of water resources, a county water control district, the county engineer, a FEMA Flood Insurance Study, or a determination by a professional engineer licensed in the state of Nevada;

— 3. A copy of the FIRM indicating the location of the property in question;

— 4. A certification by a professional engineer or land surveyor licensed in the state of Nevada that the lowest grade adjacent to the structure is above the base flood elevation; and

— 5. The completion of the appropriate forms in the FEMA's Packet, Amendments and Revisions To National Flood Insurance Program Maps. (Ord. 1251, 2008; Ord. 801, 1998; Ord. 763, 1996; Ord. 472, 1987; Ord. 331, 1980)

20.50.150 Hydrology and hydraulic studies

All hydrology and hydraulic studies referenced in this ordinance must be by a professional engineer licensed in the state of Nevada and meet FEMA standards for hydrology and hydraulic studies submitted for the approval of CLOMRs and LOMRs. Except for areas where FEMA allows the use of the approximate method, the preferred modeling tool to determine changes to the base flood elevations and the floodplain boundary shall be the current acceptable version of HEC-RAS. (Ord. 1251, 2008)

20.50.160 Adverse impact

For purposes of this chapter adverse impact means that no new construction, substantial improvements, or other development, including fill, may be permitted within the special flood hazard areas unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. Adverse impact does not include a reduction in the base flood elevation or the floodplain or property not owned by the applicant. (Ord. 1251, 2008)

20.50.170 Non-rise certification

For purposes of this chapter, no-rise means no increase in flood heights upstream, downstream or adjacent to the parcel. In a special flood hazard area a no-rise certification must be submitted for any construction or other development this is permitted to proceed without a CLOMR on a form approved by the administrator and prepared by a professional engineer licensed in the state of Nevada. (Ord. 1251, 2008)

20.50.180 Substantial improvement

—A. For purposes of this chapter, substantial improvement means the cumulative reconstruction, rehabilitation, addition, or improvement to a structure within a five year period, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. Substantial improvements includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however include either:

—— 1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

—— 2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure. For purposes of determining substantial improvement, historic structure means any structure that is:

—— a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

—— b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

—— c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

~~— d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approval programs.~~

~~— B. For the purposes of determining substantial improvements, market value pertains only to the structure in question. It does not include the land, landscaping or detached accessory structures on the property. (Ord. 1251, 2008)~~

~~20.50.190~~ 20.50.240 Variances

A. Nature of variances. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

B. It is the duty of the planning commission and board to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited.

C. The hearing board is the board of county commissioners. In evaluating requests for variances, the board must consider all technical evaluations, all relevant factors, standards specified in other chapters of this title:

1. The danger of materials being swept onto other lands and injuring others;
2. Increased danger to life and property due to flooding or erosion damage;
3. Increased susceptibility of the proposed facility and its contents of flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Reduction of services by the proposed facility to the community;
5. Incompatible uses between existing development and anticipated development;
6. An inconsistency with the master plan and floodplain management program for the county and specific community;
7. Inadequate emergency access to the property in time of flood;
8. An increase in expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
9. Increased cost to the county and other agencies providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

D. General provisions.

1. Variances may be issued for new construction, substantial improvements, and other proposed new development to be erected on a lot contiguous to or surrounded by lots with

existing structures constructed below the base flood level, provided that the procedures of this chapter have been fully considered and complied with.

2. Variances may be issued for the repair or rehabilitation of historic structures, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances may not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

4. Variances may only be approved upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief. Minimum necessary means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the board need not grant permission for the applicant to build at grade, or even to the proposed elevation, but only to that elevation which the board believes will provide relief and preserve the integrity of the property.

5. In granting a variance, the board may attach any conditions it deems necessary to further the purposes of this chapter.

E. Required findings. In approving a request for a variance, the board must make findings of fact regarding the following:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creating a nuisance, causing fraud or victimization of the public, or conflict with existing local laws or ordinances; and

4. That the applicant has signed a disclosure statement indicating that he or she understands that:

a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance; and

b. Such construction below the base flood level increases risks to life and property; and

c. A copy the disclosure will be filed and recorded by the county recorder in a manner so that it appears as an exception on the title of the affected parcel of land. (Ord. 1251, 2008; Ord. 763, 1996)

~~20.50.200~~ 20.50.250 Violations and penalties

A. No structure may be constructed, located, extended, converted, or altered, and no land may be altered without full compliance with the terms of this chapter and other applicable regulations. A violation of this ordinance is a criminal misdemeanor.

B. All violations of this ordinance will be addressed pursuant to the provisions of this chapter, including stop work orders, section 20.800.101 or other applicable law. In addition, if a property

owner does not remedy a violation, the administrator may submit a report to the board of commissioners and request that the board:

1. Take any action necessary to effect the abatement of the violation;
2. Issue a variance to this ordinance in accordance with the provisions of section ~~20.50.150~~20.50.110; or
3. Submit to the administrator of the Federal Insurance Administration a declaration for denial of insurance, stating that the property owner is in violation of a cited statute or local law, regulation or ordinance, pursuant to section 1316 of the National Flood Insurance Act of 1968 and as amended. (Ord. 1251, 2008)

SECTION 2: Douglas County Code (DCC), Title 20, Appendix A Definitions, is amended with the language being deleted shown as strikethrough and the new language shown in *italics and underlined*, as set forth below:

Appendix A Definitions

Generally:

Words and phrases defined as set out in this chapter unless it is apparent that from the context they have a different meaning. All words used in the present tense include the future; all words in the singular include the plural; the word building includes the word structure, the word shall or must is mandatory, the word may is permissive, the word person: includes firm, association, corporation, partnership and natural person; the word used includes the words arranged, designed or intended to be used; the word construct includes the words erect, reconstruct, alter, move in and move upon; masculine and feminine terms such as he and she are used interchangeably; words not defined herein shall have meanings as set forth in Webster's Ninth New College Dictionary.

If the definitions stated herein at any time conflict with the definitions provided in the other chapters of code, the more restrictive interpretation shall apply. (Ord. 763, 1996; Ord. 167, 1968; Ord. 158, 1956)

Definitions:

"Abandoned sign": A sign, which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted, or product available on the premises where such sign is displayed. (Ord. 763, 1996)

"Aboveground utility projects": An aboveground electric transmission line which is designed to operate at 200 kilovolts or more and which has been approved for construction after October 1, 1991, by the State or Federal Government or a governing body. (Ord. 1433, 2015)

"Abutting or adjacent": Two or more parcels sharing a common boundary of at least one point. (Ord. 763, 1996)

"Access": Safe, adequate, usable ingress or egress to a property or use of not less than twenty feet in width to a legally dedicated public way. (Ord. 763, 1996; Ord. 167, 1968)

"Accessory dwelling": An attached or detached dwelling unit determined by minor design review to be accessory to the permitted principal use; which provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation; which is intended for occupation by paying or non-paying guests, members of the family, or person employed on the premises; which is located on the same parcel as the permitted principal use. (Ord. 1182, 2006; Ord. 801, 1998; Ord. 763, 1996)

"Accessory non-polluting renewable energy systems": Systems, such as solar, geothermal, and wind, which produce non-polluting renewable energy for on-site use. (Ord. 1313, 2010)

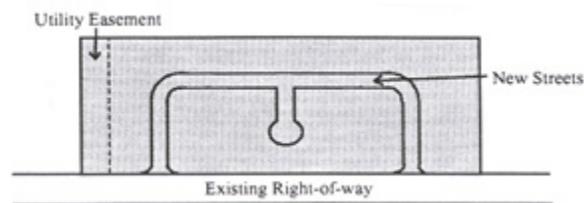
"Accessory structure": A detached structure which is not a dwelling unit as defined in this chapter and which is accessory to and located on the same parcel as the permitted principal use. (Ord. 1182, 2006; Ord. 801, 1998; Ord. 763, 1996)

"Accessory use": A use which is incidental and subordinate to the uses permitted by right to the zoning district. (Ord. 763, 1996)

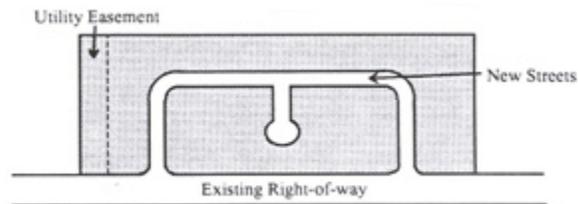
"Acre, gross": A gross acre consists of 43,560 square feet of land, and includes any public streets and alleys or other rights-of-way or easements. (Ord. 763, 1996; Ord. 497, 1989)

"Acre, net": A net acre consists of 43,560 square feet of land, exclusive of any public streets and alleys or other rights-of-way, but inclusive of public utility, drainage, or irrigation maintenance easements. Unless otherwise stated, "acre" means "net acre" wherever used in this code. (Ord. 763, 1996; Ord. 497, 1989)

Gross Acreage (shaded area)



Net Acreage (shaded area)



"Action": The decision made by the review authority on a land use application, including appropriate findings and conditions of approval where applicable. (Ord. 763, 1996)

"Active area": The area a use occupies. This is for purposes of parking calculations. (Ord. 763, 1996)

"Adjacent grade, predeveloped": The natural elevation of ground surface prior to construction next to the proposed walls of a structure. (Ord. 801, 1998)

"Administrator": The community development director or designee, unless otherwise specified. For the purposes of floodplain management, administrator shall refer to the floodplain administrator. (Ord. 763, 1996)

"Alluvial fan": A *fluvial* geomorphologic feature characterized by a cone to fan-shaped deposit of clay, silt, sand, gravel, boulders *and woody debris* that have been eroded from mountain slopes, transported by flood flows, and deposited on the valley floor. *And which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment and bedload movement and depositions, and channel migration.*

"Advisory body": The Town of Genoa, Gardnerville and Minden, and any other duly appointed committee by the Board of County Commissioners. (Ord. 763, 1996)

"Agriculture": The use of land for farming, dairying, pasteurizing and grazing, horticulture, floriculture, apiaries, animal and poultry husbandry, and accessory activities, including but not limited to, storage, harvesting, feeding, or maintenance of equipment excluding stockyards, slaughtering or commercial food processing. (Ord. 763, 1996)

"Alley": A public or private way, at the rear or side of property, permanently reserved as an ancillary means of vehicular or pedestrian access to abutting property. (Ord. 763, 1996; Ord. 167, 1968)

"Alluvial fan": A geomorphologic feature characterized by a cone or fan-shaped deposit of clay, silt, sand, gravel, and boulders that have been eroded from mountain slopes, transported by flood flows, and deposited on the valley floor. (Ord. 763, 1996)

"Alteration": Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure. (Ord. 763, 1996)

"Alternative tower structure": A support structure for wireless communications facilities which is primarily for another principal use or accessory use to the principal use on the lot where it is located, and partially or wholly conceals the antenna or minimizes its appearance in relation to the principal use of the structure. Examples of alternative tower structures include but are not limited to existing buildings, grain silos, utility poles, light poles, clock towers and steeples. (Ord. 871, 1999)

"Anchor": A series of methods used to secure a structure to its footings or foundation wall so that it will not be displaced by flood or wind forces. (Ord. 763, 1996)

"Anemometer": A device for measuring the speed and direction of the wind.

"Antenna": A device for transmitting or receiving radio, television, or any other transmitted signal. (Ord. 763, 1996)

"Apartment, multifamily": A portion of a structure designed and used for occupancy by two or more families living independently of each other, including duplex, triplex, four-plex, and other multiunit configurations. (Ord. 763, 1996; Ord. 167, 1968)

"Apex": The highest point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur. (Ord. 763, 1996)

"Appeal": A request for review of a decision. (Ord. 763, 1996)

"Applicant": Owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this development code, or the agents of such persons. (Ord. 763, 1996; Ord. 641, 1994)

"Appurtenances": The visible, functional, or ornamental objects accessory to and part of a building. (Ord. 763, 1996)

"Appurtenant sign": A sign directing attention to products or services offered, but not necessarily directly concerning the use of the property where the sign is located, such as credit card, beverage, or association signs, and the like. (Ord. 763, 1996; Ord. 386, 1981)

"Architectural feature": A portion of a sign structure intended to accent a sign rather than to provide or carry additional message, area such as framing, roofing, exposed foundations, landscaping, and the like. (Ord. 763, 1996; Ord. 386, 1981)

"Area identification sign": A permanent sign used to identify a neighborhood, subdivision, shopping district, or any area of distinct character. (Ord. 763, 1996; Ord. 386, 1981)

"Area of shallow flooding": Designated zones AO and AH on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. (Ord. 763, 1996)

"Area of sign": See Sign area. (Ord. 763, 1996)

"Attached": Any structure that has a roof or an interior wall in common with another structure. (Ord. 763, 1996)

"Auto dismantling": The wrecking or dismantling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partly dismantled, or wrecked motor vehicles or their parts. (Ord. 763, 1996)

"Auto sales lot" (Vehicle sales lot): An open area used for the display, sale or rental of new or used motorized vehicles. (Ord. 763, 1996)

"Awning sign": A sign which is painted, sewn, stained, etc., onto the exterior surface of an awning or canopy. (Ord. 763, 1996; Ord. 386, 1981)

"Banner": A piece of cloth, plastic, paper or other material with a design, motto, or slogan, sometimes attached to a standard, displayed as an advertising device to draw attention to the site where located. (Ord. 763, 1996; Ord. 386, 1981)

"Backflow prevention device": A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system. (Ord. 763, 1996)

"Backwater effect": The rise in water surface elevation caused by some obstruction such as a narrow bridge opening, buildings or fill material that limits the area through which the water must flow. (Ord. 763, 1996)

"Balloon": Any inflatable device that does not fall under the definition of inflatable device. (Ord. 801, 1998)

"Base flood": A flood which has a one-percent chance of being equaled or exceeded in any given year. (Ord. 763, 1996)

"Base flood elevation (*BF E*)": The height elevation (in relation to mean sea level) shown on the Flood Insurance Rate Map for Zones AE and AH that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. ~~expected to be reached by the waters of the base flood at pertinent points in the floodplain of riverine areas. (Ord. 763, 1996)~~

"Base floodplain": The floodplain that would be inundated by a one-percent chance flood. (Ord. 763, 1996)

"Basement":

a. A story partly or completely underground. A basement shall be counted as a story for purposes of height measurement where any portion of a basement has more than ½ of its height above grade.

b. For the purposes of flood management, a basement shall be considered any area of the building having in its floor subgrade (below ground level) on all sides. (Ord. 763, 1996)

"Bench sign": Any sign painted on or otherwise attached to a bench or other seat placed in an exterior area of a premises. ~~(Ord. 763, 1996)~~

c. A sub grade crawlspace is considered a basement unless it meets the minimum technical requirements defined in FEMA Technical Bulletin 11-01 (Crawlspace Construction for Buildings Located in Special Flood Hazard Areas, 2001). (Ord. 763, 1996)

"Berm": A mound or embankment of earth designed to provide visual interest, screen undesirable views, or decrease noise. (Ord. 763, 1996)

"Board": The Board of Douglas County Commissioners, unless otherwise specified. (Ord. 763, 1996)

"Breakaway walls": A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. (Ord. 763, 1996)

"Buffer-yard": A continuous area of land which is required to be set aside along the perimeter of a lot which is landscaped with a combination of plants, berms, fences, or walls, the purpose of which is to provide a transition between and to reduce the environmental, aesthetic, and other impacts of one type of land use upon another. (Ord. 763, 1996)

"Buildable area": That portion of the platted lot exclusive of the required front, rear and side yard setbacks, as established by the base zone for the lot, and, for the purposes of hillside management, minus all designated undevelopable area. (Ord. 763, 1996)

"Building": Any structure having a roof supported by columns or walls, not including a travel trailer or Recreational Vehicle. (Ord. 763, 1996; Ord. 641, 1994; Ord. 167, 1968)

"Building area": The total gross square footage of floor area of the buildings located on a parcel of property. (Ord. 763, 1996; Ord. 386, 1981)

"Building area, occupied": The total gross square footage of floor area of a building occupied by an individual business or unit of operation. (Ord. 763, 1996; Ord. 386, 1981)

"Building height": The vertical distance from any part of the structure to the natural grade below, excluding chimneys and vents. (Ord. 763, 1996; Ord. 406, 1982; Ord. 167, 1968)

"Building principal": See Structure, principal. (Ord. 763, 1996)

"Building setback": The distance between the property line and the nearest portion of a building on the property. (Ord. 763, 1996)

"Building site": The ground area of a building together with all open spaces required by this development code. (Ord. 763, 1996)

"Building site slope": The average natural slope of the area designated as the building envelope measured at right angles to the natural contours along a line passing through the center of the building envelope, such line shall terminate at the opposite edges of the proposed building, or at the opposite edges of the proposed cut or fill, whichever distance is greater. (Ord. 763, 1996)

"Carport": A permanent roofed structure not completely enclosed to be used for vehicle parking. (Ord. 763, 1996)

"Certificate of occupancy": A permit issued by the community development department prior to occupancy of a structure to assure that the structure is ready for occupancy with all defects corrected, all construction debris removed, the site graded to final grade, and all on-site amenities, including but not limited to paving and landscaping are complete. (Ord. 763, 1996)

"Changeable copy sign" or "reader board sign": A sign or portion thereof with characters, letters, numerals, or illustrations that can be changed or rearranged without altering the face of the surface of the sign. (Ord. 763, 1996; Ord. 386, 1981)

"Channel": A natural or artificial watercourse with definite bed and banks to confine and conduct flowing water.

"Channel capacity": The maximum flow that can pass through a channel without overflowing the banks. (Ord. 763, 1996)

"Civic event sign": A sign, other than a commercial sign, posted to advertise to provide direction to a civic or charitable event sponsored by a public agency, a school, a church, a civic fraternal organization or similar non-commercial organization. (Ord. 763, 1996)

"Collection facility" (recycling): A center for the acceptance by donation, redemption or purchase of recyclable materials from the public, which may include the following:

- A. Reverse vending machines;
- B. Small collection facilities which occupy an area of less than 500 square feet and may include:
 - 1. A mobile unit;
 - 2. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; or
 - 3. Kiosk-type units which may include permanent structures;
- C. Large collection facilities which may occupy any area of more than 500 square feet and may include permanent structures. (Ord. 763, 1996)

"Co-location": The placement of more than one antenna or transmitter on a single wireless communications tower by more than one wireless service provider. (Ord. 871, 1999)

"Commercial sign": Any sign which is intended to attract attention to a commercial activity, business, commodity, service, entertainment or attraction sold or offered. (Ord. 763, 1996; Ord. 1676, 1968)

"Commercial vehicle": Every vehicle designed, maintained or used primarily for the transportation of property in furtherance of commercial enterprise. (Ord. 763, 1996)

"Commission": The Planning Commission of Douglas County, unless otherwise specified. (Ord. 763, 1996)

"Committee": The Development Review Committee, unless otherwise specified. (Ord. 763, 1996)

"Common open space": A parcel or parcels of land or an area of water or easements, licenses or equitable servitudes within the site designated for a planned unit development which is designed and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development. (Ord. 763, 1996)

"Community": Any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce flood plain management regulations for the area within its jurisdiction. (Ord. 7634, 1996)

"Community entry sign": A sign placed to identify the entry point of a specific geographic area or community. (Ord. 1009, 2002)

"Community directory sign": A sign, which gives information about local churches or civic organizations. (Ord. 763, 1996)

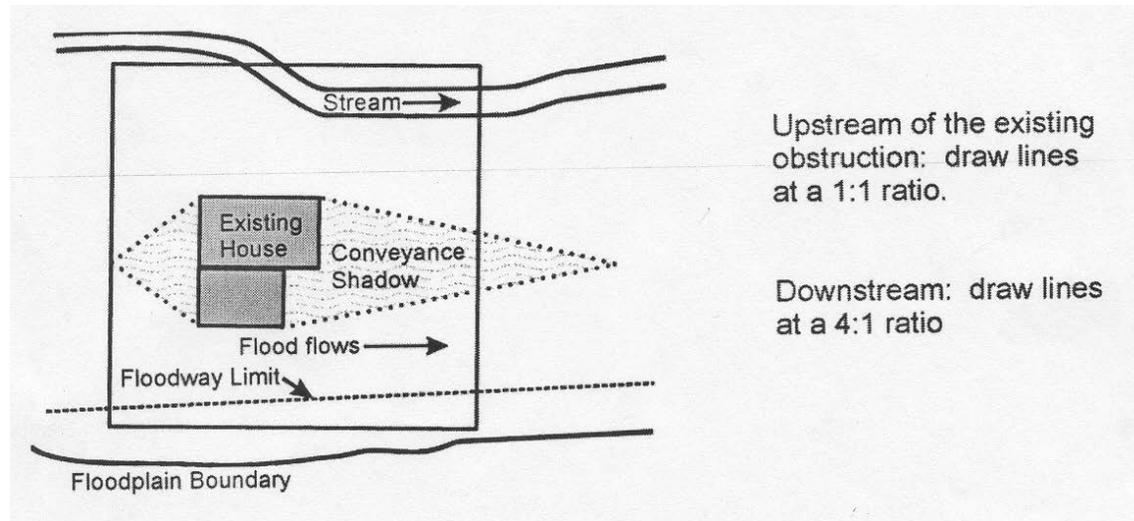
"Complex, commercial or industrial": A building or group of buildings within a single architectural plan housing three or more commercial or industrial units of operation where shared access, driveways, or parking is provided. A complex may include separate parcels, parcels of record as part of a commercial or industrial subdivision, or building pads or envelopes with shared or common elements. (Ord. 1041, 2003; Ord. 870, 1999; Ord. 763, 1996)

"Conditional letter of map revision" (CLOMR): Procedures by which contractors, developers and communities can request review and determination by the Federal Insurance Administrator or scientific and technical data for a proposed project, when complete and functioning effectively, would modify the elevation of individual structures and parcels of land, stream channels, and floodplains on the FIRM. (Ord. 763, 1996)

"Conditional Letter of Map Revision (Based on Fill CLOMR-F)": A letter from FEMA stating that a parcel of land or proposed structure that is to be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

"Condominium": A development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential, commercial or industrial building on the parcel. (Ord. 763, 1996)

"Conveyance shadow": An area upstream or downstream of an existing obstruction to flood flows. (Ord. 1251, 2008)



"County": Douglas County, unless otherwise specified. (Ord. 763, 1996)

"Critical structures": Any structure for which even a slight chance of flooding would reduce or eliminate its designed function of supporting a community in an emergency. Such structures included but are not limited to fire stations, hospitals, municipal airports, police stations, communication antennas or towers, elderly care facilities, fuel storage facilities, schools designated as emergency shelters, fresh water and sewage treatment facilities. (Ord. 763, 1996)

"Cross lot drainage": A drainage system that conveys site run-off towards the lower lot line which it is captured in a drainage channel, pipe, or similar structure and directed across lot lines to an approval point of discharge, or detention or retention structure. (Ord. 763, 1996)

"Curblines": The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curblines must be established by the county engineer. (Ord. 763, 1996)

"Days": Shall always be consecutive calendar days unless otherwise stated. (Ord. 763, 1996)

"Dense landscape buffer" or "planting screen": Landscaping which provides screening of incompatible land uses. Landscape material shall be of a type and size that reaches maturity within three years. (Ord. 763, 1996)

"Density": The number of dwelling units per gross acre, unless otherwise stated, for residential uses. For the purpose of Transfer Development Rights, "density" shall mean the number of development rights for the parcel in question under current zoning district regulations. (Ord. 763, 1996)

"Density transfer": An increase in density on one portion of a property to a level that may exceed the underlying master plan designation of that portion of the property while maintaining a gross density over the entire property that is consistent with the underlying master plan designation. (Ord. 763, 1996)

"Department": The Douglas County Community Development Department, unless otherwise specified. (Ord. 763, 1996)

"Design manual": The adopted Douglas County Design Criteria and Improvement Standards manual, unless otherwise specified. (Ord. 871, 1999)

"Designated floodway": The channel of a stream and the portion of the adjoining floodplain designated by a regulatory agency to be kept free of further development to provide for unobstructed passage of flood flows. (Ord. 763, 1996)

"Designated official": A person or persons authorized to take final action upon a development permits. (Ord. 763, 1996)

"Detached": Any building or structure that does not have a wall or roof in common with any other building or structure. (Ord. 763, 1996)

"Developer": The person or persons who have made an application to Douglas County to perform development. (Ord. 763, 1996; Ord. 641, 1994)

"Development": The placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste, grading, removing, dredging, or mining or extraction of any soil or materials; change in the density or intensity of use of land, including, but not limited to any other division of land, change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure including any facility of any private, public or municipal utility; for the purposes of hillside management, any alteration to vegetation. As used in this development code, "structure" includes but is not limited to any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (Ord. 763, 1996; Ord. 641, 1994; Ord. 331, 1980)

"Development code": A unified text incorporating those areas of regulation more typically presented in separate zoning and subdivision ordinances and related chapters of the county code, hereafter referred to as the "development code." (Ord. 763, 1996)

"Development right": The right to construct a single-family dwelling, attached or detached. (Ord. 763, 1996)

"Directional sign": Any sign that directs traffic or pedestrians to a particular location. (Ord. 763, 1996)

"Director": The Director of Community Development or his designee. (Ord. 763, 1996)

"Directory sign": A sign designed as a single display, which gives information about the location of business, buildings or addresses within a mobile home, multi-family residential, commercial or industrial complex. (Ord. 763, 1996)

"Double-faced sign": Any sign designed to be viewed from two directions and which at no point is thicker than 36 inches measured from exterior surface of each face and the two faces of the sign are either parallel or the angle between them is thirty degrees or less. In calculating sign area, a double-faced sign shall be counted as one sign, with the square footage measured from the largest face. (Ord. 763, 1996; Ord. 386, 1981)

"Dwelling": A structure or portion thereof designed for residential occupancy, not including hotels, motels, or boarding houses. (Ord. 1182, 2006; Ord. 763, 1996; Ord. 167, 1968)

"Dwelling, multi-family": A structure containing two or more dwelling units or a combination of two or more separate single-family dwellings. (Ord. 1182, 2006; Ord. 763, 1996; Ord. 167, 1968)

"Dwelling, single family": A dwelling unit contained within a permanent structure placed on a permanent foundation. These dwellings shall include site-built, manufactured, and modular homes. (Ord. 1182, 2006; Ord. 902, 2000)

"Dwelling unit": A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. (Ord. 1182, 2006; Ord. 763, 1996; Ord. 641, 1968)

"Easement": A grant of one or more property rights by the property owner for the use by the public, a corporation or another person or entity. (Ord. 763, 1996; Ord. 641, 1994)

"Educational institution": A school, college or university, supported wholly or in part by public funds or giving general academic instruction equivalent to the standards prescribed by the State Board of Education. (Ord. 763, 1996)

"Electrical distribution": Structures and appurtenant facilities used for the distribution of electric energy in voltages less than 65 kv. (Ord. 801, 1998; Ord. 763, 1996)

"Electric sign": Any sign containing electrical wiring, but not including signs illuminated by an exterior light source. (Ord. 763, 1996; Ord. 386, 1981)

"Electric substation": An assemblage of equipment and appurtenant facilities designed for voltage transformation, or voltage control of electricity in amounts of 65 kv or more. (Ord. 801, 1998; Ord. 763, 1996)

"Electric transmission line": A series of three or more structures and appurtenant facilities erected above ground, supporting one or more conductors emanating from a power plant or a substation, designed to transit electric energy in voltages of 65 kv or more. (Ord. 801, 1998; Ord. 763, 1996)

"Encroachment": For the purposes of flood management only, an encroachment is any physical object placed in the floodplain that hinders the passage of water or otherwise affects flood flows, such as fill, excavation, storage or equipment and materials or buildings. (Ord. 763, 1996)

"Erect": to building, construct, attach, hang, place, suspend, affix or fabricate, which shall also include painting of wall signs and window signs or other graphics. (Ord. 763, 1996)

"Erosion": the process of the gradual wearing away of any landmass.

"Family": One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit; provided that a group of four or more persons who are not within a second degree of consanguinity shall not be deemed to constitute a family. Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include three or more persons not within the second degree of consanguinity occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if the occupants are handicapped persons as defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy the dwelling unit in the same manner and to the same extent as a family unit as defined in the first paragraph of this definition. (Ord. 763, 1996; Ord. 421, 1984; Ord. 167, 1968)

"Federal Emergency Management Agency (FEMA):" The federal agency under the Nation Flood Insurance Program (NFIP) is administered.

"Federal Insurance Administration" (FIA): The government unit, a part of Federal Emergency Management Agency (FEMA), that administers the National Flood Insurance Program (NFIP). (Ord. 763, 1996)

"Fence": Means a barrier constructed of wood, metal wire, erosion control fabric, boards or other materials and which is intended to demarcates a boundary, separate land uses, secure animals, enclose property, and/or exclude people and animals from a designated area. Solid fencing is fencing that impairs through vision, is sight obscuring or opaque, and may conflict with vehicle sight distance. Chain link fencing with privacy slats will be considered solid fencing. Walls constructed of concrete stone, brick tile, or similar types of solid material are included in the definition of fence. (Ord. 1405, 2014)

"Federal Register": A document published daily by the Federal Government that provides a uniform system for making available to the public regulations and legal notices issued by federal agencies. (Ord. 763, 1996)

"Flag": An article of cloth, paper, or similar lightweight material, varying in size, shape, or design, usually attached at one edge to a staff or cord. (Ord. 763, 1996; Ord. 386, 1981)

"Flag, official": The flag of the United States or other officially recognized country, state, governmental agency or Douglas County. (Ord. 919, 2000; Ord. 763, 1996; Ord. 386, 1981)

"Flash flood": A flood that crests in a short length of time and is often characterized by high velocity flows. It is often the result of heavy rainfall in a localized area. (Ord. 763, 1996)

"Flashing sign": An illuminated sign in which artificial light is not maintained in a stationary or constant intensity. (Ord. 763, 1996; Ord. 386, 1981)

"Flicker" or "shadow flicker": The effect that results when the shadow cast by the rotating blade of a wind energy system moves across a fixed point. (Ord. 1215, 2007)

"Flood" or "flood waters": A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source and mudslides. (Ord. 763, 1996; Ord. 472, 1987)

"Flood boundary and floodway map" (FBFM): An official map of a community where the boundaries of the flood, mudslide and related erosion areas having special hazards have been designated zones A, M, or E. (Ord. 763, 1996)

"Flood control": Keeping flood waters away from specific developments or populated areas by the construction of flood storage reservoirs, channel alterations, dikes and levees, bypass channels, or other engineering works. (Ord. 763, 1996)

"Flood frequency": A statistical expression of the average time period between floods equaling or exceeding a given magnitude. (Ord. 763, 1996)

"Flood insurance rate map" (FIRM): An official map on which the Federal Emergency management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. (Ord. 763, 1996; Ord. 472, 1987)

"Flood Insurance Study (FIS)": The official report provided by the Federal Insurance Administration that includes flood profiles and the water surface elevation of the base flood.

"Flood zones":

~~—A. "Flood zone A": Area of special flood hazard without water surface elevations determined.~~

~~—B. "Flood zones A1-30 & AE": Areas of special flood hazard with water surface elevations determined.~~

~~—C. "Flood zone AO": Area of special flood hazard having shallow water depths or unpredictable flow paths between one and three feet.~~

~~—D. "Flood zone A-99": Area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes.~~

~~—E. "Flood zone AH": Area of special flood hazard having shallow water depths or unpredictable flow paths between one and three feet and with water surface elevations determined.~~

~~—F. "Flood zones B & Shaded X": Areas of moderate flood hazard; areas determined to be within the 500-year floodplain, or within the 100-year floodplain of depths of less than one foot.~~

~~—G. "Flood zones C & Unshaded X": Areas of minimal hazard, outside the 100-year floodplain.~~

~~—H. "Flood zone D": Area of undetermined but possible flood hazard.~~

~~—I. "Flood zone M": Area of special mudslide or mudflow hazards. (Ord. 763, 1996; Ord. 641, 1994; Ord. 472, 1987)~~

"Floodplain and flood-prone area": Any land area susceptible to being inundated by waters from any source. (Ord. 763, 1996)

"Floodplain administrator": The individual appointed to administer and enforce the floodplain management regulations. (Ord. 763, 1996)

"Floodplain management": The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations and ordinances. (Ord. 763, 1996)

"Flood proofing": Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and the content. Refer to FEMA Technical Bulletins TB-1 (Openings in Foundation Walls and Walls of Enclosures, 2008), TB-3 (Non-residential Floodproofing - Requirements and Certification, 1993), and TB-7 (Wet Floodproofing Requirements, 1993) for Guidelines on dry and wet floodproofing. (Ord. 763, 1996; Ord. 472, 1987)

"Flood-related erosion": The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force or nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding. (Ord. 763, 1996)

"Flood-related erosion area management": The operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations. (Ord. 763, 1996)

"Flood-related erosion prone area": A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage. (Ord. 763, 1996)

"Flood resistant": Building materials capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. The term prolonged contact means at least 72 hours, and the term significant damage means any damage requiring more than low-cost cosmetic repair (such as painting).

"Flood venting": See applicable Standards for Construction, 20.50.230.

"Floodway": The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

"Flood Zones":

Flood Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

Flood Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

Flood Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Flood Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined. For areas of alluvial fan flooding, velocities area also determined.

Flood Zone AR: Special flood hazard areas that result from the decertification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

Flood Zone D: Areas in which flood hazards are undetermined, but possible.

X-shaded flood zone: A moderate flood hazard area between the limits of the 100-year and 500-year flood zones with average depths of flood of less than 1 foot or with contributing drainage area less than 1 square mile. Also known as Zone B and includes areas protected by levees from the base flood.

X-unshaded flood zone: Areas of minimal flood hazard determined to be outside the 500-year floodplain. Also known as Zone C. This area may have localized ponding or flooding.

"Floor area ratio": Determined by dividing the gross floor area of all buildings on a lot by the area of that lot. (Ord. 763, 1996)

"Footing": The enlarged base of a foundation wall, pier, or column, designed to spread the load of the structure so that it does not exceed the soil bearing capacity. (Ord. 763, 1996)

"Foundation": The underlying structure of a building, usually constructed of concrete, that supports the foundation walls, piers, or columns. (Ord. 763, 1996)

"Foundation walls": A support structure that connects the foundation to the main portion of the building or superstructure. (Ord. 763, 1996)

"Freeboard": A margin of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. (Ord. 763, 1996)

"Freestanding sign": See monument sign. (Ord. 801, 1998; Ord. 763, 1996; Ord. 386, 1981)

"Front wall": The nearest wall of a structure to the street upon which the structure faces, but excluding cornices, canopies, eaves, or any other architectural embellishments. (Ord. 763, 1996)

Frontage: The side of a lot abutting a street (the front lot line). (Ord. 763, 1996; Ord. 641, 1994)

"Frontage of property": The longest single, lineal dimension of a parcel of property abutting on a public street. (Ord. 763, 1996; Ord. 386, 1981)

"Fuel break": A strategically located strip or block of land, varying in width, on which vegetation has been modified to provide a safer place for fire fighters to work and to help reduce the rate of fire spread. (Ord. 763, 1996)

"Garage": An enclosed building, or a portion of an enclosed building used for the parking of vehicles, and not designed for human habitation. (Ord. 801, 1998; Ord. 763, 1996; Ord. 167, 1968)

"Gas distribution line": Mains, services, equipment and appurtenant facilities which carry or control the supply of gas from the point of local supply to and including the sales meter. (Ord. 763, 1996)

"Gas regulator station": An assemblage of equipment which reduces, regulates and meters natural gas pressure in the transmission line, holder, main, pressure vessel or the compressor station piping. This may include auxiliary equipment such as valves, control instruments or control lines as well as piping. (Ord. 763, 1996)

"Grade": The degree of rise or descent of a sloping surface expressed as a ratio or percentage (see Slope). (Ord. 763, 1996)

"Graphics": The noninternally illuminated decoration of the exterior of a building or site which includes murals, art work, statuary, and the like, not containing a commercial message, trademark, logo type, brand name, or the like. (Ord. 801, 1998; Ord. 763, 1996; Ord. 386, 1981)

"Ground cover": Plants, other than turf grass, normally reaching an average maximum height of not more than two feet at maturity. (Ord. 763, 1996)

"Grubbing": The clearing of roots and stumps. (Ord. 801, 1998)

"Halfway house": A rehabilitation center where people who have left an institution, such as a prison or a hospital, are helped to readjust to the outside world. This definition excludes those that fall under the definition of family as defined in this appendix. (Ord. 845, 1998; Ord. 801, 1998)

"Hanging sign": A sign attached to and located below any eave, roof, canopy or awning. (Ord. 763, 1996)

"Hearing body": The appointed or elected person or person authorized to render a final decision on any development application. (Ord. 763, 1996)

"HEC-RAS": One of the family of water surface modeling tools publicly available through the US Army Corps of engineers, Hydraulic Engineering Center.

"Hedge": A landscape barrier consisting of a continuous, dense planting of shrubs. (Ord. 763, 1996)

"Height of structure": The vertical distance from any part of the structure to the natural grade below, excluding chimneys and vents. (Ord. 763, 1996)

"Highest adjacent grade": The highest natural elevation of ground surface prior to construction next to the proposed walls of a structure. (Ord. 763, 1996)

"Hillside area": Any property containing slope areas of 15 percent or greater as designated on the Master Plan slope constraint maps. (Ord. 763, 1996)

"Holiday decoration": Decorations commonly associated with any national, local or religious holiday. (Ord. 763, 1996)

"Home occupation": A business conducted as an accessory use to a principal residential dwelling which is occupied by the business owner. (Ord. 1374, 2012; Ord. 763, 1996; Ord. 343, 1980; Ord. 167, 1968)

"Horizontal and vertical building envelopes": The maximum width and height of a structure based on minimum setback requirements and maximum building height limitations for the zone within which the project is located. These envelopes may be utilized to evaluate visual impacts when specific architectural plans are not provided for subdivision review. (Ord. 763, 1996)

"Hotel": Guest rooms or suites occupied on a transient basis, with most rooms gaining access from an interior hallway and with no provisions for cooking in an individual unit. (Ord. 763, 1996; Ord. 167, 1968)

"Hydraulics": The science that deals with practical applications of water in motion.

"Hydrodynamic loads": Forces imposed on structures by floodwaters due to the impact moving water on the upstream side of the structure, drag along its sides, and eddies or negative pressures on its downstream side. (Ord. 763, 1996)

"Hydrology": The science of the behavior of water in the atmosphere, on the earth's surface, and underground. (Ord. 763, 1996)

"Hydrostatic loads": Forces imposed on a flooded structure due to the weight of the water. (Ord. 763, 1996)

"Illuminated, exterior": The lighting of a sign or sign structure by lights shining onto the surface of the sign. (Ord. 763, 1996, Ord. 386, 1981)

"Illuminated, interior": The lighting of a sign or sign structure by lights contained within the sign, and shining out through the translucent surfaces of the sign. (Ord. 763, 1996; Ord. 386, 1981)

"Inaugurate": The issuance of a building permit or site improvement permit. (Ord. 1319, 2010; Ord. 763, 1996)

"Incombustible material": Any material which will meet the requirements of the Uniform Building Code or approved standards for Douglas County. (Ord. 763, 1996; Ord. 386, 1981)

"Incompatibility of land uses": The proximity or direct association of contradictory, incongruous, or discordant land use or activities, including the impact of noise, traffic, vibration, smoke, odors, and other similar environmental conditions. (Ord. 763, 1996)

"Independent congregate senior living community": An independent living community that entails private dwelling units/apartments designed for an adult population aged 55 years and older that may include some supportive services including, but not limited to, meals, housekeeping, home health, and other supportive services. A number of common facilities, including kitchen facilities, club houses, pools, health facilities, and other personal services may be provided on the site. (Ord. 1279, 2009)

"Indoor Gun Range": An enclosed facility or area used for archery or the shooting of firearms, whether for practice or sport. (Ord. 1419, 2014)

"Inflatable sign or inflatable device": Any device, or grouping of balloons, larger than six feet in its longest dimension which is supported by air pressure or inflated with air or gas which is used to attract the attention of the public, whether or not it displays any specific advertising message. (Ord. 801, 1998; Ord. 763, 1996)

"Internal driveway": For purposes of determining monument sign placement for a parcel of record located within a commercial or industrial complex, an internal driveway is a driveway or drive aisle located internal to the complex which provides access to the parcel and which does not abut or front on a public street. (Ord. 870, 1999)

"Irrigation system": A permanent, artificial watering system designed to transport and distribute water to plants. (Ord. 763, 1996)

"Junk yard and salvage facilities": Primary or accessory use of structures or land for storage, dismantling or selling of cast-off, unused, scrap or salvage material of any sort. (Ord. 763, 1996; Ord. 167, 1968)

"Kiosk": A small, freestanding structure permanently affixed to the ground, requiring a building permit, which may have one or more surfaces used to display one or more advertising signs. (Ord. 763, 1996)

"Kitchen": Any room, all or part of which is designed or used for storage, refrigeration, cooking and the preparation of food. (Ord. 763, 1996; Ord. 167, 1968)

"Lake Tahoe region": That portion of the Lake Tahoe basin in Douglas County, Nevada, as delineated on the official maps of the Tahoe Regional Planning Agency. (Ord. 763, 1996; Ord. 353, 1980)

"Land use zoning district": A portion of the county within which certain uses of land and structures are defined, and regulations are specified. (Ord. 763, 1996)

"Landscaping": Any combination of living plants such as grass, ground cover, shrubs, flowers, vines, hedges, or trees, and nonliving landscape material such as rocks, pebbles, sand, mulch, bark, walls, fences, and decorative paving materials (excluding driveways, parking, loading, or storage areas), and sculptural elements. (Ord. 763, 1996)

"Letter of map amendment" (LOMA): The procedure by which any owner or lessee of property who believes his property has been inadvertently included in a special flood hazard may submit scientific and technical information to the Federal Insurance Administrator for review to remove the property from said area. The administrator will not consider a LOMA if the information submitted is based on alteration of topography or new hydrologic or hydraulic conditions since the effective date of the FIRM. (Ord. 763, 1996)

"Letter of map revision" (LOMR): An official revision to a currently effective FIRM. A LOMR officially changes flood zone, floodplain and floodway designations, flood elevations and planimetric features. ~~The procedures by which contractors, developers, and communities can request changes to flood zones, floodplain and floodway delineations, flood elevations, and planimetric features based on the results of structural works, improvements, or annexations; resulting in additional flood hazard areas. (Ord. 763, 1996)~~

"Letters of Map Revision (Based on Fill) (LOMR-F)": A letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.

"Levee": A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. (Ord. 763, 1996)

"Levee system": A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices. (Ord. 763, 1996)

"Level building site": A site contained wholly within the buildable area, of a dimension not less than 30 feet by 40 feet, to accommodate the main structure, required off-street parking, and drainage resulting from said improvements. Slope of the level building site shall not exceed 10 percent. (Ord. 763, 1996)

"Lighting, direct": Illuminating a sign or sign structure by a light source seen directly. (Ord. 763, 1996; Ord. 386, 1981)

"Lighting, indirect": The illumination of a sign or sign structure by a light source not directly seen. (Ord. 763, 1996; Ord. 386, 1981)

"Livable area": Interior floor area of a residential use which includes bedrooms, bathrooms, kitchens, closets, but excludes garages. (Ord. 763, 1996)

"Lot": A parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon and which abuts upon a legal means of access. The classifications of lots are:

A. "Corner": A lot located at the intersection of two or more streets at an angle or not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "interior lot."

B. "Flag": A lot having access or an easement to a public or private street by a narrow, private right-of-way.

C. "Interior": A lot abutting only one street.

D. "Key": A lot with a side line that abuts the rear line of any one or more adjoining lots.

E. "Reverse corner": A corner lot, the rear of which abuts the side of another lot.

F. "Through": A lot having frontage on two generally parallel streets, with only one primary access. (Ord. 763, 1996; Ord. 641, 1994; Ord. 167, 1968; Ord. 158, 1967)

"Lot area": The total horizontal area included within the lot lines of a lot. (Ord. 763, 1996)

"Lot depth": The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line. (Ord. 763, 1996)

"Lot frontage": The portion of the lot contiguous to the street. (Ord. 763, 1996)

"Lot line": Any boundary of a lot. The classification of lot lines are:

"Front": On an interior lot, the line separating the parcel from the street. On a corner lot, both lot lines abutting a street. On a through lot, the lot line abutting the street providing the primary access to the lot.

"Interior": Any lot line not abutting a street.

"Rear": A lot line, not intersecting a front lot line, which is most distant from and most closely parallel to the front lot line. In the case of an irregularly shaped lot or a lot bounded by only three lot lines, a line within the lot having a length of at least ten feet, parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this code.

"Side": Any lot line which is not a front or rear lot line. (Ord. 763, 1996; Ord. 167, 1968)

"Lot width": The horizontal distance between the side lot lines, measured at right angles to the lot depth at a midway point between the front and rear lot lines. (Ord. 763, 1996; Ord. 167, 1968)

"Lowest floor": In Special Flood Hazard Areas or X-shaded flood zones, the lowest floor is determined based on the following type of construction methods: (Ord. 1251, 2008; Ord. 763, 1996; Ord. 472, 1987)

"Below grade crawlspace construction": Subgrade enclosures are prohibited that are not constructed to meet the provisions of section 20.50.120230. If constructed to meet section 20.50.120 230 the lowest floor is the top of the subfloor. (Ord. 1251, 2008)

“Crawlspace construction placed on fill”: The lowest floor is the bottom of the crawlspace. (Ord. 1251, 2008)

“Manufactured homes”: The lowest floor for manufactured homes is the base of the manufactured home including all duct work, and electrical wiring, etc., providing that the skirting or foundation is wet floor proofed (vented). (Ord. 1251, 2008)

“Slab on grade construction”: the lowest floor is the top of the slab. (Ord. 1251, 2008)

“Structures with basements”: The lowest floor is the top of the basement slab. An unfinished or flood resistant enclosure used solely for parking of vehicles, access, or storage in an area other than a basement area, is not considered a building’s lowest floor. (Ord. 1251, 2008)

“Main structure”: A structure used for the principal use of the property as distinguished from an accessory use. (Ord. 763, 1996)

“Manufactured home”: A residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards. For floodplain administration purposes, the term manufactured home also includes travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. (Ord. 902, 2000; Ord. 801, 1998; Ord. 763, 1996; Ord. 633, 1994; Ord. 472, 1987; Ord. 167, 1968; Ord. 131, 1963)

“Manufactured home park or subdivision”: A parcel or contiguous parcels of land divided into two or more manufactured home lots or sites for rent or sale. (Ord. 763, 1996; Ord. 472, 1987; Ord. 167, 1968)

“Manufactures home (mobile home) park or subdivision, existing”: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed before the effective date of the floodplain management regulations adopted by a community. (Ord. 763, 1996)

“Manufactured home (mobile home) park or subdivision, expansion to”: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads. (Ord. 763, 1996)

“Manufactured home (mobile home) park or subdivision, new”: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of the floodplain management regulation adopted by the county. (Ord. 763, 1996)

“Manufactured slope”: A man-made slope created by grading that consists wholly of cut or filled material. (Ord. 763, 1996)

“Marijuana establishment”: Means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store. The facility or establishments listed above are further defined in NRS 453D.030 Regulation and Taxation of Marijuana, which said definitions are hereby incorporated. (Ord. 1481, 2017)

“Master sign plan”: An architectural design plan describing the content of all proposed signs in terms of size, shape, materials, colors, lettering style, placement, lighting, and the like, to set forth a basic identity for each unit of operation for a business complex. A master sign plan is required for a commercial or industrial complex containing three or more units of operation. Upon approval, the master sign plan must apply to all units of operation. Upon approval, the master sign plan must apply to all units of operation within the business complex. (Ord. 763, 1996; Ord. 3867, 1981)

“Mean sea level”: For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1928 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced. (Ord. 763, 1996)

“Median”: A paved or planted area separating a street or highway into two or more lanes of opposite direction of travel. (Ord. 763, 1996)

“Medical marijuana establishments”: means (1) an independent testing laboratory to test marijuana or marijuana products, (2) a cultivation facility for marijuana, (3) a facility for the production of edible marijuana products or marijuana-infused products, (4) a medical marijuana dispensary, or a business that has registered with the Division of Public and Behavioral Health of the Department of Health and Human Services and paid the requisite fees to act as more than one of the businesses or establishments listed in sections (2), (3) or (4) above. The business or establishment listed in sections (1), (2), (3) and (4) are further defined in NRS Chapter 453A Medical Use of Marijuana and said definitions are hereby incorporated. (Ord. 1418, 2014)

“Mixed-use development”: The development of parcels or structures with two or more different land uses such as, but not limited to, a combination of residential, office, manufacturing, retail, public or entertainment in a single or physically integrated group of structures. (Ord. 763, 1996)

“Mobile sign”: A sign attached to or suspended from any type of vehicle. (Ord. 763, 1996; Ord. 386, 1981)

“Modular home”: A structure intended for residential use and manufactured off-site in accordance with all other codes adopted by Douglas County. (Ord. 902, 2000)

“Monument sign”: An independent structure supported from a maximum of two feet above grade to the bottom of the sign with a solid base of at least 80% of the total sign structure width. (Ord. 850, 1998; Ord. 763, 1996)

“Motel”: Guest rooms or suites occupied on a transient basis, with most rooms gaining access from an exterior walkway and with no provisions for cooking in an individual unit. (Ord. 763, 1996; Ord. 167, 1968)

“Mudslide”: A condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Federal Insurance Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs. (Ord. 763, 1996)

“Mulch”: Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture. (Ord. 763, 1996)

“National geodetic vertical datum (NGVD)”: As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain. (Ord. 763, 1996)

“Natural area”: A land area, unimproved and not occupied by any structures or manmade elements, set aside for the conservation of permanent, undisturbed open space. (Ord. 763, 1996)

“Natural drainage”: Water which flows by gravity in channels by the surface topography of the earth prior to changes made by the efforts of man. (Ord. 763, 1996)

“Natural grade”: The grade unaffected by construction techniques such as fill, landscaping, or berming. (Ord. 1251, 2008)

“NAVD88”: North American Vertical Datum of 1988. (Ord. 1251, 2008)

“NGVD29”: National Geodetic Vertical Datum of 1929. (Ord. 1251, 2008)

“Net consumptive use”: Net consumptive use means that portion of irrigation water applied to vegetation which is consumed and removed from the local hydrological environment by evaporation or transpiration. The Alpine decree has interpreted the net consumptive use of surface water for irrigation of the lands above Lahontan Reservoir (including Carson Valley) to be 2.5 acre-feet per acre. (Ord. 763, 1996; Ord. 497, 1989)

“Net site area”: The total area within the lot lines of a lot or parcel of land after public street easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel. (Ord. 763, 1996)

“New construction”: For floodplain management purposes, structures for which “the start of construction” commenced on or after the effective date of the floodplain management regulations adopted by the county, and includes any subsequent improvements so such structures, where the construction involves an increase in gross floor area of greater than 100 square feet. (Ord. 801, 1998; Ord. 763, 1996)

“Noncommercial sign”: Any sign which is intended to convey a noncommercial message of social, political, educational, religious or charitable commentary. (Ord. 763, 1996)

“Nonconforming, illegal”: A structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of the current development code. (Ord. 763, 1996)

“Nonconforming lot”: A lot, the area, frontage or dimensions of which do not conform to the provisions of the current development code. (Ord. 763, 1996)

“Nonconforming sign”: A sign which may have been validly installed under laws or ordinances in effect prior to the effective date of the ordinance codified in this title, but which is not in conflict with the provisions of this title. (Ord. 763, 1996; Ord 386, 1981)

“Nonconforming structure”: A structure which conformed to applicable laws when constructed but does not conform to the provisions of the current development code. (Ord. 763, 1996)

“Nonconforming use”: A use which conformed to the applicable laws when established but does not conform to the provisions of the current development code. (Ord. 763, 1996)

“Nonrestricted license”: A gaming license which permits the operation of more than fifteen slot machines and other games. (Ord. 763, 1996; Ord. 353, 1980)

“NRS”: Nevada Revised Statutes. (Ord. 763, 1996)

“Nude”: A person completely without clothing or covering. (Ord. 763, 1996)

“Obstruction”: Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream. (Ord. 763, 1996)

“Off-premises sign”: A sign, including portable sandwich or A-frame signs, which advertises or informs about goods, products, services or uses not directly concerning the use on the property upon which the sign is located. (Ord. 763, 1996; Ord. 386, 1981)

“On-premises sign”: Any sign which advertises goods sold, manufactured or produced, service or uses rendered on the property upon which the sign is located, or the name of the business enterprise. (Ord. 763, 1996)

“Open space”: All areas of natural plant communities or areas replanted with vegetation after construction including but not limited to revegetated natural areas, trees, shrubs, hedges, lawn, and ground cover planting areas, which provide light and air and are designed for either environmental, scenic, amenity, or recreational purposes. (Ord. 763, 1996)

“Ornamental tree”: A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree. (Ord. 763, 1996)

"Parcel": A parcel of land under one ownership that has been legally subdivided or combined. (Ord. 763, 1996; Ord. 167, 1968)

“Parking areas”: Those are including parking lots, driveways, drive aisles, loading and unloading spaces, and all other areas necessary to move vehicles in and out of required parking spaces. (Ord. 801, 1998)

“Parking lot sales”: See Sidewalk and parking lot sales. (Ord. 763, 1996)

“Parkway”: The area of a public right-of-way that lies between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping or passive recreational purposes. (Ord. 763, 1996)

"Pennant": A piece of cloth, plastic, paper, or other such material varying in size, shape or design, erected as an advertising device to draw attention to the site where located. (Ord. 763, 1998; Ord. 386, 1981)

“Permanent sign”: Any sign which from the nature and effect of its proposed composition, construction, the message to be carried or its proposed placement, would make it reasonable to determine that it was intended for continuous display for a period of time greater than 90 calendar days. (Ord. 763, 1996; Ord. 386, 1981)

“Permitted use”: Any use allowed in a land use zoning district and subject to the provisions applicable to that district. (Ord. 763, 1996)

“Person”: Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, State of Nevada, and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee. (Ord. 763, 1996; Ord. 386, 1981)

“Planned development (PD)”: A type of development characterized by comprehensive planning for the project as a whole, clustering of structures to preserve usable open space and other natural features, and a mixture of housing types within the prescribed densities. (Ord. 763, 1996)

“Portable freestanding sandwich or “A-frame” type sign”: A sign that is designed to be moveable and is not structurally attached to the ground, a building, a structure or any other sign. Such sign may or may not be in the configuration of an “A.” (Ord. 763, 1996; Ord. 386, 1981)

“Political sign”: A sign designed for the purpose of advertising support of or opposition to a candidate or proposition at a public election. (Ord. 763, 1996; Ord. 386, 1981)

“Post-FIRM Construction”: Construction or substantial improvement that started on or after the effective date of the initial Flood Insurance Rate Map (FIRM) of the community or after March 28, 1980, whichever is later. (Ord. 1251, 2008)

“Predeveloped adjacent grade”: The natural elevation of ground surface prior to construction next to the proposed walls of a structure. (Ord. 801, 1998)

“Pre-FIRM Construction”: Construction or substantial improvement which started on or before March 28, 1980 or before the effective date of the initial Flood Insurance Rate Map (FIRM) of the community, whichever is later. (Ord. 1251, 2008)

“Pre-lease sign”: A sign placed upon real property advertise the availability of lease space for an unconstructed building or development site. (Ord. 763, 1996)

“Principal use”: The primary or predominant use of any parcel, building or structure. (Ord. 763, 1996)

“Processing facility”: A building or enclosed space used for the collection and processing of recyclable materials to prepare for either efficient shipment, or to an end-user’s specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. Processing facilities include the following:

a. “Light processing facility”: Occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.

b. “Heavy processing facility”: Any processing facility other than a light-processing facility. (Ord. 763, 1996)

“Professional sign”: A sign indicating the name and occupation of a professional person or group. (Ord. 763, 1996; Ord. 386, 1981)

“Project”: See Development. (Ord. 763, 1996)

“Projecting building sign”: Any sign other than a sign mounted flush to a wall which projects more than 12 inches from and is supported by a wall or roof of a building, structure or sign structure, and projects beyond the eaves of a building. (Ord. 763, 1996; Ord. 386, 1981)

“Public park”: A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field within the County which is under the control, operation, or management of the county, state, or other political subdivision. (Ord. 763, 1996)

“Public right-of-way”: A strip of land acquired by reservation, dedication, purchase, prescription, or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer or other public uses. (Ord. 763, 1996; Ord. 641, 1994)

“Public safety, nuisance”: Related to variances of this title. The granting of a variance must not result in anything which is injurious to safety or health of the community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, or any way, navigable lake, river, bay stream or canal, or basin. (Ord. 763, 1996)

“Public View”: Means plainly visible from the public right-of-way, or from any adjacent public or private property. Items enclosed and visually obscured within a structure, or within a lawful fence or wall are not considered to be in public view. (Ord. 1405, 2014)

“Quarry”: A place where rock, ore, stone and similar materials are excavated, processed for sale or for off site use. (Ord. 763, 1996)

“Reader board or changeable copy sign”: See Changeable copy sign. (Ord. 763, 1996)

“Real property sign”: A sign placed upon real property to advertise that the property upon which the sign is placed, or any piece or any interests therein, is for sale, exchange, lease, or rent. (Ord. 763, 1996; Ord. 386, 1981)

“Receiving parcel”: A parcel of real property situated in a receiving area, designated as such by the 1996 Master Plan, as amended. (Ord. 763, 1996)

“Recreational vehicle (RV)”: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. The term recreational vehicle includes, but it not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, utility and all terrain vehicles. (Ord. 801, 1998; Ord. 763, 1996)

“Recycling”: The process by which waste products are reduced to raw material and transformed into new products. (Ord. 763, 1996)

“Repetitive loss”: Flood-related damages sustained by a structure on two separate occasions during a 10-year period that has had at least 2 paid flood losses of more than \$1,000 for each claim. for which the cost of repairs at the time of each said event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. (Ord. 1251, 2008)

“Requirements for Areas Below the Lowest Floor”: All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB-1 (Openings in Foundation Walls and Walls of Enclosures, 2008) and TB-7 (Wet Floodproofing Requirements, 1993) and must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria; (1) Must have a minimum of two (2) openings having a total net area of not

less than one (1) square inch for every square foot of enclosed area subject to flooding; and (2) The bottom of all such openings will be no higher than one (1) foot above the lowest adjacent finished grade.

“Restricted use area”: An area that is retained in its existing state and is restricted from all development (due to proximity to a hazard or environmentally sensitive area pursuant to 20,690.030.Y.5) except for hiking trails, provided such trails neither create nor increase a public hazard. The use restrictions exclude minimal grading required to construct public utility services or roadways to adjacent properties where no technically feasible alternative route or construction method exists. (Ord. 801, 1998)

“Reverse vending machine (recycling)”: An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass, and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container’s redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary. (Ord. 763, 1996)

“Review authority”: The person, committee, commission or board responsible for the review or final action on a land use issue. (Ord. 763, 1996)

“Ridge line”: A ground line connecting the series of highest elevation points or a ridge, running center and parallel to the long axis of the ridge. (Ord. 763, 1996)

“Right-of-way”: See Public right-of-way. (Ord. 763, 1996)

“Riverine”: Relating to, formed by, or resembling a river including but not limited to tributaries, streams, and brooks (also known as lotic). (Ord. 1251, 2008; Ord. 763, 1996)

“Roof sign”: A sign erected upon a roof, the ridge of a roof, or parapet of a building or structure and extending above the highest portion of the roof. (Ord. 763, 1996; Ord. 386, 1981)

“Roof-mounted sign”: A sign erected upon a roof of a building and extending no higher than the highest portion of the roof. (Ord. 763, 1996; Ord. 386, 1981)

“Roofing square”: 100 square feet of roofing surface. (Ord. 801, 1998)

“Salvage”: See Junk and salvage facilities. (Ord. 763, 1996)

“Sandwich sign”: A flat sign composed of one or more boards attached together, with supports enabling the sign to stand upright. It is designed to be a moveable unit. (Ord. 763, 1996)

“Screening”: A method for reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls or any appropriate combination thereof. (Ord. 763, 1996)

“Seminude”: A person whose specified anatomical areas are less than completely and opaquely covered or who appears to have human male genitals which are in a discernibly turgid state, even if completely and opaquely covered. (Ord. 763, 1996)

“Sending parcel”: A parcel of real property situated in the A-19 or FR-19 zoning districts. (Ord. 763, 1996)

“Setback”: The required distance that a building, structure, parking or other designated item must be located from a lot line. (Ord. 763, 1996; Ord. 167, 1968)

“Sexually oriented business”: means any of the following:

1. Any business wherein the preponderant business is the offering of services, materials, goods or products which are characterized by an emphasis on matter depicting, describing, or relating to nude or semi-nude persons or specified sexual activities between persons for observation by patrons. These businesses shall include, but not be limited to, adult bookstores, adult video stores, picture arcades showing adult entertainment pictures, adult motion picture theaters or other similar businesses;

2. Any business which utilizes or encourages sexual arousal, sexual gratification or sexual stimulation of a customer or prospective customer in connection with the sale or offering for sale of services, goods, or materials. These businesses shall include, but not be limited to, unlicensed massage establishments, Turkish baths, nude or semi-nude modeling studios, businesses using nude or semi-nude models in offering lingerie or intimate apparel for sale, sexual catharsis centers, sexual encounter establishments, bondage or discipline parlors, escort bureaus and introductory services, or other similar businesses; or

3. Any business, having as a portion of its goods for sale, products which replicate or are designed to simulate specified anatomical areas, and which are designed to be placed on specified anatomical areas to cause sexual excitement. These businesses shall include, but not be limited to, sexual novelty stores or other similar businesses.

This definition of adult business does not apply, nor shall it be interpreted to apply, to any business conducted, operated by or employing licensed chiropractors, licensed physicians, licensed physical therapists, licensed massage therapists, licensed psychologists, licensed social workers or licensed marriage family counselors when performing functions under or pursuant to their respective licenses. (Ord. 763, 1996; Ord. 378, 1981)

“Shade tree”: A deciduous tree planted primarily for its high crown of foliage or overhead canopy. (Ord. 763, 1996)

“Shrub”: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen. (Ord. 763, 1996)

“Sidewalk or parking lot sale”: A promotional sales event conducted by one or more businesses which is held outside the confines of the commercial or manufacturing structures in which such

business is normally conducted and which sale involves the outdoor display within a paved or concrete area on the same lot as the structures of merchandise which is normally displayed within the structures. Sale events shall be conducted solely on private property and not encroach within public rights-of-way. (Ord. 763, 1996)

“Sign”: Includes every sign, billboard, freestanding sign, portable freestanding and sandwich sign, wall sign, roof sign, window sign, illuminated sign, projecting sign, temporary sign, and street clock, and includes any announcement, declaration, demonstration, display, internally-illuminated or back-lit trim, roof lines and awnings, illustration or insignia used to advertise or promote the interest of any person when the same is placed so that it is clearly visible to the general public from an out-of-doors position, excluding graphics. (Ord. 801, 1998; Ord. 763, 1996; Ord. 386, 1981; Ord. 167, 1968)

“Sign area”: That area as determined by circumscribing the exterior limits of the mass of each display with a rectangle connecting all exterior points. The sign area does not include the sign’s architectural features. (Ord. 763, 1996; Ord. 386, 1981)

“Sign structure”: The supports, uprights, braces, and framework of the sign. (Ord. 763, 1996; Ord. 386, 1981)

“Sign tower”: A tower erected for the specific purpose of supporting a sign or having a sign attached flat against the face or faces. The tower may or may not be an integral part of the building. (Ord. 763, 1996; Ord. 386, 1981)

“Site specific planting”: The selection of plant materials that is particularly well suited to withstand the physical growing conditions that are normal to northern Nevada. (Ord. 763, 1996)

“Slope”: See Grade. (Ord. 763, 1996)

“Slope face”: The slopes located directly below, and leading up to the crest of a significant ridgeline or prominent landform. (Ord. 763, 1996)

“Slope percentage”: Equals “rise” times 100 divided by “run” (rise x 100/run). (Ord. 763, 1996)

“Small lot subdivision”: Limited lot size subdivision (5,000 square foot minimum lot size) for single-family detached dwellings. (Ord. 763, 1996)

“Solar facilities”: A solar energy system which absorbs energy from the sun. (Ord. 763, 1996)

“Special flood hazard area”: An area having special flood, mudslide, or flood-related erosion hazards, and shown on a FHBM or F IRM as zones A, AO, A1-A30, AE, A99, E or M. (Ord. 763, 1996)

“Special Occasion Home”: A single-family detached dwelling which is owner-occupied and contains historic features and which is made available to the general public on a for-profit basis for special events. (Ord. 1381, 2013)

“Special point of interest”: An on-premise or off-premise sign located at cultural, historic, tourist, or recreational points of interest. (Ord. 1009, 2002)

"Special use permit": A discretionary permit which may be granted under the provisions of this development code and which when granted authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed by the board. (Ord. 763, 1996)

"Specified anatomical area": means any of the following:

1. The human genitals or the human pubic region;
2. The perineum or any portion of the crease of the human buttocks; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts. (Ord. 763, 1996)

"State": The State of Nevada, unless otherwise specified. (Ord. 763, 1996)

"Storage": A space or place where goods, materials or personal property is put for more than 24 hours. (Ord. 763, 1996)

"Story": That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling above it. (Ord. 763, 1996)

"Street": Any public or private thoroughfare, which affords a primary means of access to abutting property. (Ord. 763, 1996; Ord. 167, 1968)

"Structure":

1. A combination of materials forming an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, but excluding the following:
 - a. Fences not more than six feet in height;
 - b. Retaining walls;
 - c. Platforms or decks not more than 30 inches above grade and not over any basement or story below;
 - d. Utility mains, lines and underground facilities; and
 - e. Yard and play equipment.
2. A permanent structure is built of materials in a manner which would commonly be expected to remain useful for a substantial period of time.
3. A temporary structure is built of materials in a manner which would commonly be expected to have a relatively short useful life, or is built for a purpose that would be expected to be relatively short-term in duration.
4. For the purposes of flood management, a structure shall be a walled and roofed building that is principally above ground and includes gas or liquid storage tank and manufactured homes. (Ord. 763, 1996; Ord. 641, 1994; Ord. 472, 1987; Ord. 386, 1981)

"Structure, principal": A structure in which the principal use is conducted. (Ord. 763, 1996)

“Studio (photography, portrait and art)”: An artist’s or photographer’s workplace or establishment, where the artist’s or photographer’s work may be displayed and sold. (Ord. 801, 1998)

“Subdivision development plan”: Specific development plans for an approved tentative parcel or subdivision map, including plot plans, building elevations, grading plans and landscape plans applicable to individual lots within the tentative map. (Ord. 763, 1996)

“Substantial damage”: Damage of any origin sustained by a structure where the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (Ord. 763, 1996)

“Substantial improvement”: Any reconstruction, rehabilitation, addition, or improvement to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” (Ord. 1251, 2008; Ord. 763, 1996; Ord. 472, 1987; Ord. 331, 1980)

“Temporary sign”: Any sign or advertising display intended to be displayed for a period of not more than 90 calendar days. (Ord. 763, 1996; Ord. 386, 1981)

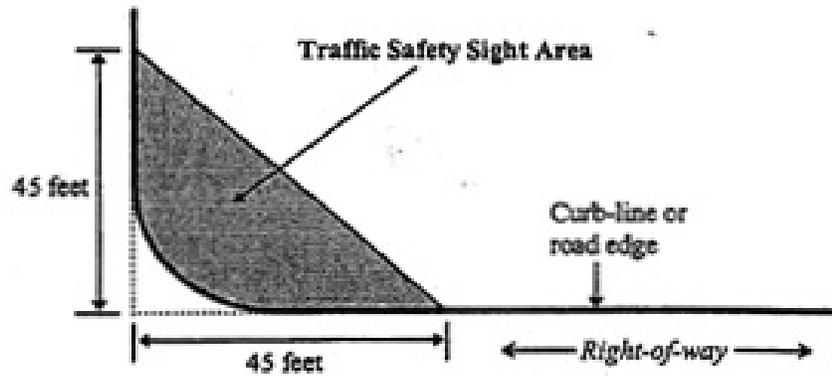
“Temporary use”: A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period. (Ord. 763, 1996)

“Total system height”: The vertical height from existing grade to the highest possible point of a wind energy conversion system. (Ord. 1313, 2010; Ord. 1215, 2007)

“Trade construction sign”: A sign listing one or more persons or firms participating in development, construction, or financing of a project. (Ord. 763, 1996; Ord. 386, 1981)

“Traffic regulation sign”: Any sign that regulates the speed, direction, or flow of traffic on a site. (Ord. 763, 1996; Ord. 386, 1981)

“Traffic safety sight area”: That portion of both public and private property located at any corner and bounded by the curb line or edge of a roadway of the intersecting streets and a line joining points on the curb or edge of roadway 45 feet from the point of intersection of the extended curb lines or edges of the roadway (see figure below). (Ord. 763, 1996)



“Transient basis”: A period of 21 days or less during any 30-day period. (Ord. 801, 1998; Ord. 763, 1996)

“Tree”: A large, woody plant having one or several self-supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen. (Ord. 763, 1996)

“Truck, pickup”: A vehicle with a maximum height of 10 feet and a length of 22 feet, with the capacity to carry a maximum of 6 passengers and containing an attached sided but unenclosed cargo area. Pickup trucks have the capacity to carry an enclosed camper with the cargo area. This definition does not include tow-trucks, which is a “commercial vehicle”. (Ord. 801, 1998)

“Understory”: Assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of the trees. (Ord. 763, 1996)

“Unit of operation”: An individual and separate unit of activity or function within a building, such as a single shop within a business complex or a single business occupying an entire building. (Ord. 763, 1996; Ord 386, 1981)

“Use”: The purpose (type and extent) for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained. (Ord. 763, 1996)

“Value”: The cost of replacing a sign with one of like material and workmanship. (Ord. 763, 1996; Ord. 386, 1981)

“Variance”: A discretionary approval which permits the departure from the strict application of the development standards contained in the current development code. (Ord. 763, 1996)

“Vegetation, native”: Any plant species with a geographic distribution indigenous to all or part of the state of Nevada. Plant species which have been introduced by man are not native vegetation. (Ord. 763, 1996)

“Vehicle, Commercial”: See Commercial vehicle. (Ord. 801, 1998)

“Vehicle sales lot”: An open area used for the display, sale, or rental of new or used motorized vehicles. (Ord. 763, 1996)

“Wall sign”: A sign mounted on an exterior wall of a building intended to be viewed from outside the building. (Ord. 763, 1996)

“Water surface elevation”: The height, in relation to the national geodetic vertical datum (NGVD) of 1929, or other datum, where specified of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 763, 1996)

“Watercourse”: A lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. A watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 763, 1996)

“Wet bar”: A room or portion thereof containing not more than a single bar-sized sink, a refrigerator with a maximum of five cubic feet of storage, a microwave oven, a countertop of no more than five lineal feet, no more than five lineal feet of upper cabinets, and no more than five lineal feet of lower cabinets. A wet bar shall not include a gas or electric range, stove top or oven. (Ord. 1182, 2006; Ord. 851, 1998)

“Wind energy conversion system" An electrical generating facility consisting of a tower, a wind turbine generator with rotating blades, guy wires and anchors, and associated control and conversion electronic equipment to convert wind movement into electricity, and that is incidental and subordinate to another use on the same parcel. The energy may be used on-site or distributed into the electrical grid. (Ord. 1313, 2010; Ord. 1215, 2007)

“Wind energy conversion system, commercial”: A WECS with a total system height more than 400 feet and that is intended to produce electricity to sell for consumption. (Ord. 1215, 2007)

“Wind energy conversion system, commercial use test site”: The electrical equipment, such as anemometers or pyranometers, which measures wind and solar energy potential. Test sites may include communication devices, towers, guy wires and anchors, and other associated controls to measure, monitor and report wind and solar energy data. (Ord. 1215, 2007)

“Wind turbine”: A wind conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any. (Ord. 1215, 2007)

“Window sign”: A sign maintained in or painted upon a window, intended to be viewed from outside the window. (Ord. 763, 1996; Ord. 386, 1981)

“Wireless communications”: Any personal wireless services as defined in the Federal Telecommunications Act of 1996, as amended, which includes FCC-licensed commercial wireless telecommunications services including but not limited to cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile

NAYS: Commissioners

Steven Thaler, Chairman
Douglas County Board of Commissioners

ATTEST:

Kathy Lewis, Clerk-Treasurer

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year 2018.